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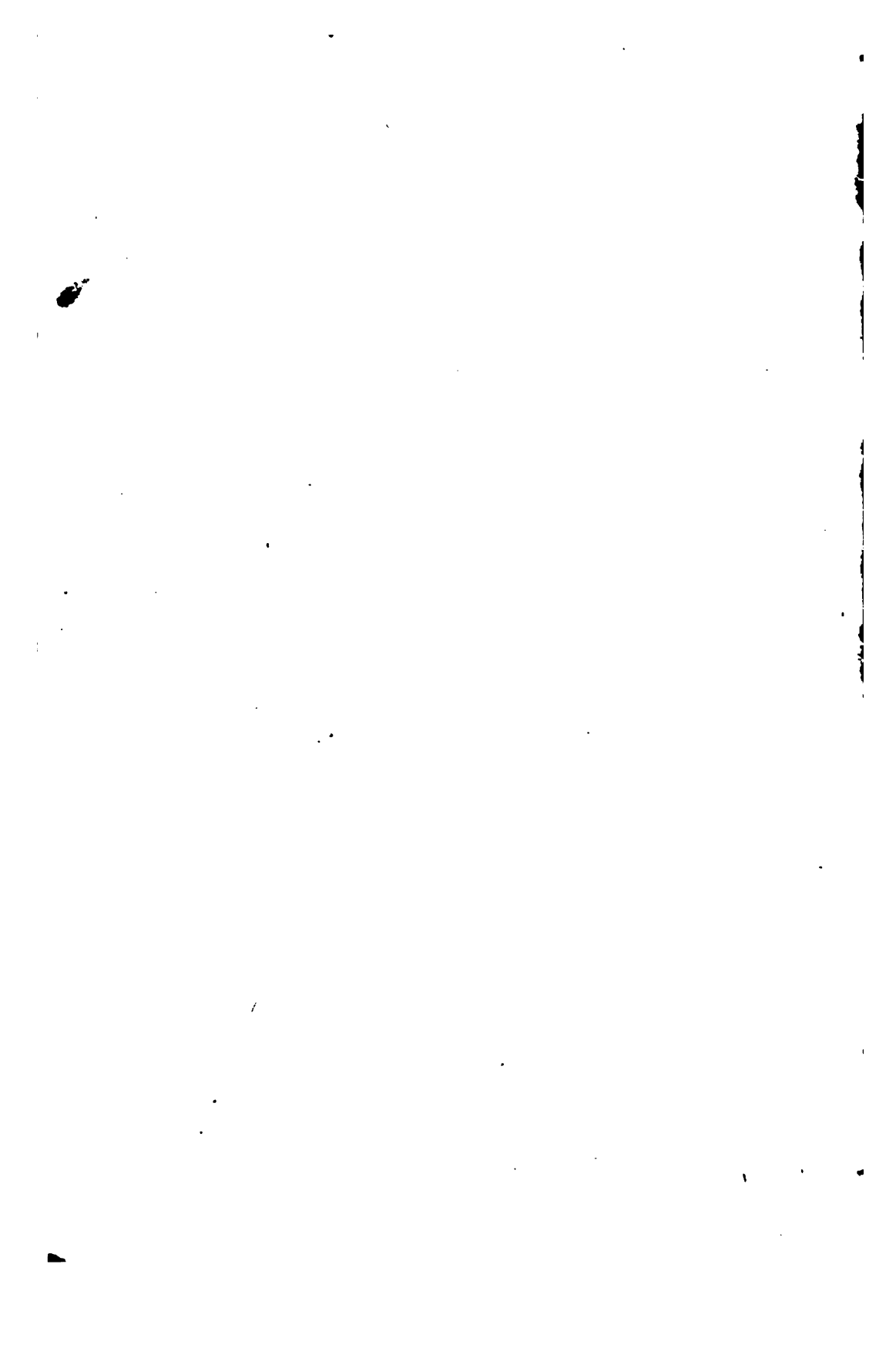
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2000-2001



A C T S

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED BY THE

GENERAL ASSEMBLY

AT THE

ADJOURNED SESSION (JANUARY 3, 1867) WHICH WAS BEGUN AND
HELD IN THE CITY OF FRANKFORT, ON MONDAY,
THE 4TH DAY OF DECEMBER, 1865.

VOL. I.—PUBLISHED BY AUTHORITY.

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
JOHN H. HARNEY, PUBLIC PRINTER.
1867.

L 8468

NOV 1 1933

VARREL GROTATZ

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PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE
GENERAL ASSEMBLY (JANUARY 3, 1867) WHICH
WAS BEGUN AND HELD IN THE CITY OF
FRANKFORT, ON MONDAY, THE 4TH
DAY OF DECEMBER, 1866.

THOS. E. BRAMLETTE, *Governor.*

R. T. JACOB, *Lieut. Governor and Speaker of the Senate.*

HARRISON TAYLOR, *Speaker of the House of Reps.*

JOHN S. VANWINKLE, *Secretary of State.*

CHAPTER 976.

AN ACT to increase the pay of Grand Jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1867.

§ 1. That grand jurors in the circuit, equity, and criminal courts of this Commonwealth shall hereafter receive one dollar and fifty cents per day, for each day they may serve as such jurors in said courts.

Grand Jurors.
\$1.50 per day.
2 R. S., 32.

§ 2. All laws coming within the purview of this act be, and the same are hereby, repealed.

§ 3. This act shall take effect from and after its passage.

H. TAYLOR,

Speaker of the House of Representatives.

RICHARD T. JACOB,

Speaker of the Senate.

Approved January 12, 1867.

THOS. E. BRAMLETTE,

Governor of Kentucky.

By the Governor:

JOHN S. VANWINKLE, *Secretary of State.*

1867.

CHAPTER 981.

AN ACT to amend an act, entitled "An act to amend the penal laws," approved August 28, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first, second, third, and fifth sections of an act, entitled "An act to amend the penal laws," approved August 28th, 1862, be, and the same are hereby, repealed.

§ 2. That the said act be, and the same is hereby, amended by adding the following as the second section thereof, instead of the second section repealed by this act, viz: "That any person who shall hereafter conspire or combine with others to levy war against this State, or give aid and comfort to the enemies of this State, whether foreign or domestic, within this State or elsewhere, and be convicted thereof, shall be confined in the penitentiary not less than one nor more than five years."

§ 3. That the fourth section of said act be amended by striking out the words "this act," wherever they occur, and inserting the words "the second section."

§ 4. This act shall be in force from its passage, and may be plead, in bar to the prosecution or further prosecution of any indictment or other penal proceedings growing out of the sections hereby repealed.

Approved January 15, 1867.

The act above referred to is as follows:

"AN ACT to amend the penal laws.

"§ 1. That if any person shall, within this State, hold any secret or public meetings, or unite with, or belong to any secret club or association, known by him or them to be intended to effect, promote, or endanger the separation or secession of this State from the government or union of the United States, or to effect, promote, or encourage the incorporation or union of this State with the so-called Southern Confederacy, every such person, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years.

"§ 2. If any person shall conspire, or combine with others, to levy war against this State, or give aid and comfort to the enemies of this State, whether foreign or domestic, within this State or elsewhere, and [shall be] convicted thereof, [he] shall be confined in the penitentiary not less than one nor more than five years.

"§ 3. That if any person or persons in this State shall knowingly display to public view, what is commonly designated the secession flag, or any like symbol, with the view and intent to excite seditious feelings, it shall be deemed evidence of disloyalty, and shall be, in law, a misdemeanor, and upon conviction thereof punished by a fine of not less than fifty nor more than one hundred dollars.

"§ 4. That if any person shall, within this State, seduce, entice, or persuade any other person to commit any of the offenses which are prohibited by this act, and such offense be committed, the person so seduced, enticed, or persuaded, shall, on conviction, be sentenced to suffer such punishment as the person committing said offense would be liable to suffer for the crime so committed by him.

18

"§ 5. If any person within this State shall seduce, entice, or persuade any other person to commit any of the offenses which are prohibited by this act, though such offense has not been committed, the person who so seduced, enticed, or persuaded another, shall be deemed guilty of a misdemeanor, and, on conviction thereof, fined a sum not less than fifty nor more than one hundred dollars."

CHAPTER 984.

AN ACT to increase the number of juridical days of the Owen Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fall term of the Owen circuit court in the eighth judicial district shall hereafter be held eighteen juridical days instead of twelve, as now authorized by law.

18 juridical days at November term. Myers, 144.

§ 2. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 985.

AN ACT to regulate the time and manner for holding elections for Senators in Congress.

WHEREAS, The Congress of the United States, by an act approved 25th of July, 1866, has prescribed the time and manner of holding elections for Senators in Congress; and in order to make the laws of this State conform thereto,

1 R. S., 449.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Legislature of this State, which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, in place of such Senator going out of office, in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress from said State; and the name of the

U. S. Constitution, sec. 4, art. 1.
1 R. S., 22.

1867.

person so voted for, who shall have a majority of the whole number of votes cast in each House, shall be entered on the Journal of each House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as aforesaid, the members of the two Houses shall convene in joint assembly, and the Journal of each House shall be read; and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this act, the joint assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of said joint assembly, a majority of all the members elected to each House being present and voting, shall be declared duly elected; and in case no person shall receive no such majority on the first day, the joint assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote until a Senator shall be elected.

How election
to be held in
case of vacancy.

§ 2. That whenever, on the meeting of any Legislature of this State, a vacancy shall exist in the representation of said State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner herein provided for the election of a Senator for the full term; and if a vacancy shall happen during the session of the Legislature, then, on the second Tuesday after the Legislature shall have been organized, and shall have notice of the vacancy.

Governor to
certify election.

§ 3. It shall be the duty of the Governor to certify the election of the person so chosen, under the seal of the State, to the President of the Senate of the United States; which certificate shall be countersigned by the Secretary of State.

§ 4. All acts and resolutions not in conformity of this act are hereby repealed.

§ 5. This act to be in force from and after its passage.

Approved January 15, 1867.

LAWS OF KENTUCKY.

CHAPTER 1000.

1867.

AN ACT to increase the jurisdiction of the Jefferson Court of Common Pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections six, seven, and nine, and section ten (except so much of the section ten as allows appeals and regulates the salary of the judge), of the act establishing the levy and county court for Jefferson county, and all laws which give said court jurisdiction in ordinary or equity actions, are repealed, and the jurisdiction conferred by said sections and laws hereby repealed is transferred to the Jefferson court of common pleas; and the clerk of said county court is required to transfer, as by change of venue, all suits and actions pending in said court to said court of common pleas, and to deliver to the clerk of the court of common pleas all bonds remaining, not acted upon, in his office, which were taken under distress warrants, or attachments for rent or other proceedings before justices of the peace, or by constables or sheriff of said county, except in cases of bastardy.

§ 2. That said court of common pleas shall have full power and authority to hear and try and adjudicate any and all actions or suits transferred by this act; and all appeals and traverses transferred shall be subject to the same rules and proceedings as if originally taken to said court of common pleas; and the orders and judgments made in the court of common pleas shall be as binding on the parties to any such action as if made in said county court.

§ 8. That hereafter appeals and traverses from justices of the peace, or from a verdict of a jury before a justice of the peace, within Jefferson county, shall be taken to the Jefferson court of common pleas, and be subject to the same rules and proceedings as cases of a similar class or kind in said court; and the action on any of said bonds named in the first section of this act shall be subject to the rules and proceedings and process, as if still remaining in said county court; and the same right of appeal to the court of appeals shall exist and be granted in said actions: *Provided*, That nothing in this act shall be construed so as to change the jurisdiction in bastardy cases, or proceedings in such cases from said county court to said court of common pleas, and shall in nowise interfere with the jurisdiction of said county court as a levy or probate court, or otherwise, except in civil actions and bonds named in the sixth, seventh, ninth, and tenth sections of the said act of the 25th February, 1854, creating said county court.

§ 4. This act shall take effect from its passage.

Approved January 15, 1867.

Myers, 561.
2 R. S., 338,
237.

Ordinary and equity actions transferred to Jefferson court of common pleas.

Bastardy cases not transferred.

Common pleas court given jurisdiction to try all transferred actions.

Appeals and traverses from justices' courts within Jefferson county, lie to court of common pleas, and not to county court.

Powers of county court as a levy and probate court unchanged.

LAWS OF KENTUCKY.

1867.

CHAPTER 1001.

AN ACT to amend the charter of the Farmers' Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the 8th section of the act, entitled "An act to incorporate the Farmers' Bank of Kentucky," as requires the bonds of their officers, agents, and servants to be laid monthly before the directors, and an entry made thereof of record, be, and the same is hereby, repealed, and that all of said bonds shall be deemed valid and subject to examination at all times by the board of directors.

§ 2. This act shall be in force from its passage.

Approved January 15, 1867.

CHAPTER 1032.

AN ACT fixing the compensation of Assessors under article 6, chapter 83, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That assessors shall be allowed for their services under article sixth, chapter eighty-three, of the Revised Statutes, title "Revenue and Taxation," shall be twelve and one half cents for each list of taxable property, to be computed according to the number of persons listed for any description of tax, and to be paid in the manner now provided by law.

§ 2. This act shall be in force from its passage.

Approved January 18, 1867.

CHAPTER 1034.

AN ACT to change the time of holding the Clinton Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Clinton circuit court shall commence on the Thursday before the 4th Mondays in February and August of each year, and continue nine juridical days, if the business of said court require it.

§ 2. That all process, subpoenas, bail bonds, recognizances, or other summons or legal obligations, which have heretofore or may hereafter issue or be entered into, returnable to the 4th Mondays in February and August, shall be returnable to the Thursday before the said 4th Mondays in February and August, and be in all respects as legal as if returnable as now fixed by law.

§ 3. This act to take effect from its passage.

Approved January 18, 1867.

CHAPTER 1060.

1867.

AN ACT to abolish the July term of the Clark Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the term of the Clark circuit court, now required by law to be held annually on the third Monday in July, for the trial of criminal and equity causes, be, and the same is hereby, abolished.

Myers, 149.

§ 2. *Be it further enacted*, That all process, subpoenas, bail bonds, recognizances, or other legal obligations, which have been or may hereafter be issued or entered into, returnable to the July term of said court next ensuing after the date of the passage of this act, or requiring the attendance of any person or persons, at the said July term, shall be returnable to the November term of said court next ensuing after the passage of this act; and all persons who may have been summoned or subpoenaed to attend at the July term of said court next ensuing after the passage of this act, or who may have entered into any bail bond, recognizance, or other legal obligation, to appear at the said July term of said court, are hereby required to make their appearance, and to attend at the November term of said court next ensuing; instead of the said July term; and in case of default, or of disobedience of a summons or subpoena, the court shall proceed to render judgment in the same manner as if such process, subpoena, bail bond, recognizance, or legal obligation, had been upon its face made returnable to the November instead of the July term of said court.

§ 3. This act shall take effect from its passage.

Approved January 22, 1867.

CHAPTER 1070.

AN ACT to amend the charter of the People's Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the People's Bank of Kentucky is hereby amended so as to allow said bank to increase its capital stock to \$500,000.

§ 2. That said bank may receive deposits of gold and silver, bank notes and other notes of lawful money, at such terms, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed

1867.

upon, in all respects as natural persons may do. And all promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon jointly and severally against drawers and indorsers. The president shall, in each and every year, on 1st of January, pay into the Treasury the sum of fifty cents on every hundred dollars of stock which may be subscribed; and which shall be part of the Sinking Fund, and be in full of all tax or bonus to the State.

Approved January 23, 1867.

CHAPTER 1072.

AN ACT fixing the compensation of Sheriffs and Collectors for collecting the revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 470.

§ 1. That hereafter sheriffs and collectors of the revenue shall be allowed the same compensation as is allowed by the first section of an act, entitled "An act to increase the compensation of sheriffs for collecting the revenue," approved February 3, 1865.

§ 2. This act shall be in force from its passage.

Approved January 23, 1867.

The act of February 3, 1865, is as follows:

"AN ACT to increase the compensation of Sheriffs for collecting the revenue.

"§ 1. That sheriffs shall hereafter be allowed by the Auditor the following commissions upon the sums collected and accounted for or paid into the Treasury in each year: Upon the first thousand, ten per cent.; on the second thousand, eight per cent.; on the third thousand, six per cent.; on the fourth thousand, five per cent.; and on all above four thousand, four per cent.

"§ 2. This act shall only apply to the collection of the revenue for 1865 and 1866."

CHAPTER 1075.

AN ACT to continue in force an act approved February 25, 1865, concerning Surveyor's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 512.

§ 1. That an act, entitled "An act to fix the fees of surveyors," approved February 25, 1865, be continued in

full force and effect for the term of two years after the passage of this act.

1867.

Approved January 23, 1867.

The act of February 25, 1865, is as follows:

AN ACT to fix the fees of Surveyors.

“§ 1. That the fees of surveyors shall be as follows, viz.:

“For a survey of each tract of land of not over one hundred acres, and plat of the same, three dollars; and for each additional fifty acres, or fraction thereof, one dollar.

“For surveying town lot, and plat thereof, one dollar.

“For running a dividing line, two dollars.

“For surveying land for a mill-seat, three dollars.

“For surveying patent land by the patent boundaries, and making plat thereof, three dollars; and for every hundred acres over four hundred acres, one dollar.

“For each plat and connection, one dollar; and for each tract represented upon a connected plat over two, fifty cents.

“For running a dividing line between two counties, to be paid by the new county, where one is made, four dollars per day; and if between counties existing, to be paid by the counties equally interested.

“For receiving and receipting for a land warrant, twenty-five cents.

“For copy of a certificate and survey, fifty cents.

“For making an entry for land and a copy, twenty-five cents.

“For every survey made under an order of court, for every three poles, one cent.

“For attending commissioners in dividing land or assigning dower, per day, two dollars.

“For every plat from notes taken on the ground or furnished by the party, and calculating contents, with certificate attached, one dollar and fifty cents.

“For each additional plat laid down from field notes or from official documents, with notes of explanation, twenty-five cents.

“For each copy of such connected plat, fifty cents.

“For processioning land, per day, three dollars.

“For each connected plat thereof, fifty cents.

“For each day's attendance on the viewers of a road or passway, three dollars.

“For each connected plat of the same, with explanatory notes and report, one dollar.

“§ 2. This act shall be in force for two years from its passage.”

1867.

CHAPTER 1085.

AN ACT to amend Chapter 1st, Title 14th, of the Civil Code of Practice.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Myers' Code.
Stanton's
Code, 257-8.Judgment
against surety
in bond for
costs may be
obtained upon
motion after
notice.

§ 1. That when a party to an action has or may hereafter execute bond with surety, according to the provisions of chapter 1st, title 14th, of the Civil Code of Practice, to pay all costs which may accrue in said action to the opposite party, and judgment for costs has or may hereafter be rendered against said party, that the party in whose favor such judgment has or may hereafter be rendered may, upon motion in the court in which said bond was executed, or undertaking to be liable as surety for costs was acknowledged, or in the court where said action is or has been pending, obtain judgment against said surety for the amount which has been previously adjudged against his principal, together with the costs of such proceeding: *Provided*, That such surety, or his personal representative, if dead, shall be entitled to ten days' notice of the time and court in which such motion shall be made.

Myers' Code.
Stanton's
Code, 257-8.

§ 2. That notice of such motion may be executed as provided in chapter 2d, title 14th, of Civil Code of Practice.

§ 3. That this act shall take effect from its passage.

Approved January 23, 1867.

CHAPTER 1087.

AN ACT to amend Chapter 99, Revised Statutes, title "Taverns, Tippling-houses, &c."

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*2 R. S. 405.
License to
keep taverns,
&c., not to im-
ply right to sell
liquors, unless
so specified.

§ 1. That the privilege to sell spirituous, malt, or fermented or other intoxicating liquor, shall not be implied or embraced in any license to keep a tavern, coffee-house, boarding-house, restaurant, or other place of entertainment, licensed by any county court or board of trustees within this State, unless the judge of the court, or board of trustees, shall deem it expedient to grant such privilege, and shall specify the same in the license.

Right to sell
liquors not to
be given unless
required by
convenience of
travelers.

§ 2. No such court shall grant said privilege unless the judge shall be satisfied that the application is not made to keep a grog-shop under a tavern license, and the privilege is required for the convenience of travelers: *Provided*, That the tax or license to vend ardent spirits shall be twenty-five dollars instead of the tax now paid.

§ 3. That so much of the Revised Statutes, chapter 99, title "Taverns, Tippling-houses, &c.," as is contrary to this act, is repealed.

Approved January 23, 1867.

CHAPTER 1089.

AN ACT in relation to prosecutions against Turnpike Roads in which the State owns an interest.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all indictments and prosecutions against turnpike road companies wherein the State has an interest or a part of an interest, the Commonwealth's Attorney shall have no part of the recovery.

§ 2. That in all such prosecutions it shall be the duty of the Commonwealth's Attorney to defend the interest of the road.

Approved January 23, 1867.

CHAPTER 1091.

AN ACT concerning the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the terms of the Court of Appeals shall be extended to one hundred juridical days at each term, and as much longer as shall be deemed necessary to complete the business of each term: *Provided*, That it shall be the duty of the court to dispose of every cause pending in said court at the same term at which the same may be submitted for hearing, and not to adjourn finally until decisions are rendered in all causes which may have been entered heard by the court.

§ 2. The clerk of the court shall docket the causes pending therein by circuit court districts.

§ 3. The salary of the judges of the said court shall be four thousand dollars each, commencing from the 1st day of January, one thousand eight hundred and sixty-seven.

§ 4. This act shall be in force from its passage.

Approved January 23, 1867.

1 R. S., 329,
309. Juridical
days 100.

All causes
heard to be
finally decided
during term.

Causes to be
docketed by 1
R. S., 248.

Salary.

1867.

CHAPTER 1110.

AN ACT to regulate the Sales of Tobacco in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 336.

That the act, entitled "An act to further regulate the sales of tobacco in the city of Louisville," approved February 27th, 1865, be, and the same is hereby, re-enacted, and shall continue in force till repealed or modified.

Approved January 25, 1867.

CHAPTER 1131.

AN ACT to establish the County of Henrietta.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the territory now within the limits of the counties of Trigg and Marshall as is embraced within the following boundary, that is to say: Begin on the west bank of the Cumberland river where the boundary line of Trigg county and the boundary line of the States of Kentucky and Tennessee crosses the same; thence down the Cumberland river at low-water mark, to the boundary line between the counties of Trigg and Lyon; thence with that boundary line to the Tennessee river; thence up the Tennessee river, on its western bank, at low-water mark, to a point one half of one mile from the point where the State road from Hopkinsville to Columbus crosses the same; thence west one mile; thence south one mile; thence east to the Tennessee river at low-water mark; thence up the said river to a point opposite the place where the State line reaches the eastern bank of said stream; thence across the river and with the State line to the beginning, shall be, and the same is hereby, erected into and established as a distinct and separate county, to be hereafter known by the name of Henrietta.

§ 2. That the seat of justice for the county of Henrietta shall be located and established at the point on the Tennessee river at present known by the name of East Aurora, or at the point known by the name of West Aurora, as the one or the other may be hereafter selected by the voters of said county in the manner hereafter provided for.

§ 3. The county of Henrietta shall be divided into four justices' districts, which districts shall also be the election precincts, in each of which shall be elected two justices of the peace and one constable. John Nunn, Peter Gardner, and Elliott Grace, Esquires, any two of whom may act, are hereby commissioned, whose duty it shall be to lay off said districts and designate the places of voting

1867.

therein respectively; but before they enter upon the discharge of their duties herein prescribed, they shall take an oath faithfully to discharge the same. They shall meet at the dwelling-house of M. H. Egner, on the 4th Monday in August, 1867, or as soon thereafter as can be, and proceed to discharge the duties imposed on them by this act, and may adjourn from time to time and from place to place until their labors are completed. They shall lodge in the hands of John Nunn certified copies of said proceeding, who shall hold the same until the county clerk of said county enters upon the discharge of the duties of his office, who shall then receive the same and make a record thereof in his office; and said commissioners shall also transmit to the Secretary of State a certified copy of said districts. Said commissioners shall also designate two suitable persons to act as judges, one to act as clerk, and one as sheriff, in each of said districts, of an election for the choice of county officers for said county, who, before they act, shall be qualified faithfully to discharge the duty imposed upon by them by law.

§ 4. An election shall be held in said county on the 2d Monday in October, 1867, for the election of a circuit clerk, a county clerk, county judge, sheriff, jailer, coroner, surveyor, tax assessor, and county attorney; also two justices of the peace and a constable for each district in said county; and there shall also be opened, at each precinct, a poll in the which the votes cast for the selection of the place for the county seat shall be recorded—those voting for East Aurora in one column, and those voting for West Aurora in a different column. Those persons who may have acted as sheriff in said elections shall, on the third day thereafter, meet at the residence of M. H. Egner and carefully compare the polls, and shall then and there make out and sign three certificates of election for each of the persons elected to fill the several offices hereinbefore named respectively, and shall transmit one to the Secretary of State, deliver one to person elected, and shall the third until the county clerk shall enter upon the discharge of his office, when they shall be delivered to him to be recorded and preserved in his office. The said persons acting as sheriff at the said election shall also ascertain, by just comparison of the polls, whether East or West Aurora be the choice of a majority of the votes cast, and make a certificate of that fact and transmit one copy thereof to the office of the Secretary of State, and deliver one to the county clerk, to be preserved in his office.

§ 5. It shall be the duty of the Governor of this Commonwealth to issue commissions to such of the officers elected at the election hereinbefore provided for, as by the Constitution and laws of this Commonwealth are required

1867. to be commissioned. All officers elected under the provisions of this act shall hold their offices until the next regular election for like officers in the several counties of this Commonwealth, and until their successors are qualified.

§ 6. The county court of Henrietta county shall have power to procure, by gift or purchase, a lot of ground of proper and suitable size within the limits of the town laid as the county seat, for the purposes of public grounds, on which to erect a court-house and public offices, and take proper deeds to the county court, to invest in them the title, for the benefit of the county.

§ 7. The county court for said county shall be holden on the 3d Monday in each month, and it shall be the duty of the county judge to procure and provide suitable rooms for the public offices, and suitable room in which to hold the circuit and county courts until the public buildings are ready for occupation, and to raise, by taxation, a fund sufficient to defray the expenses thereof.

§ 8. The county of Henrietta shall have the right to use the jail of the county of Marshall until a suitable and safe jail is completed for the county of Henrietta; and it is hereby made the duty of the jailer of Marshall county to receive all persons committed from the county of Henrietta, under the same rules and regulations as if such person had been committed from the county of Marshall.

§ 9. Before this act takes effect and the county of Henrietta is established, as herein above provided, there shall be an expression of the popular will to that effect expressed by the qualified voters of the county of Trigg, as hereinafter provided for, that is to say: That at the election held in the county of Trigg, in the month of August, 1867, for the election of Representatives, there shall be by the judges, clerk and sheriff holding said election, a poll-book opened at each of the election precincts in said county, with two columns, one headed, "For new county," and the other headed, "Against new county;" and at said election all of the qualified voters who may by law be entitled to vote in said county for county Representative, shall have the right and opportunity extended to them of having their vote recorded for or against the proposed new county; and it is hereby made the duty of the sheriff, or those who may act for the sheriff at the several election precincts of Trigg county, to lodge said poll-books in the clerk's office of Trigg county, within two days next after said election; and it is made the duty of the county judge, county clerk, and sheriff, to proceed on the next day after said poll-books shall be so lodged, to meet in the clerk's office, compare the polls, ascertain the correctness of the footing-up of the vote on each poll-book, and by adding the numbers from each poll-book, ascertain the exact number of votes

cast in that county "For the new county," and the number of votes cast "Against new county," and shall certify the same over their proper signatures to the Secretary of State, and transmit the same by mail by the next day thereafter.

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§ 10. The Governor of the Commonwealth, Secretary of State, and Attorney General, shall, on the fourth Monday in the month of August, 1867, meet at the office of the Secretary of State in Frankfort, and proceed by addition of the number of votes cast in the several precincts of the county of Trigg "For the new county," and the addition of the votes cast "Against new county," ascertain and determine whether the number cast "For new county" be greater than the number cast "Against new county;" and if such shall be ascertained to be the fact, then the Governor of the Commonwealth shall, in his official character, proclaim the same to the people, and thereupon the act above set forth shall take effect and become to all intents and purposes the law of the land, with all the provisions of the several sections thereof in full force and effect. But if the majority shall be found to have been cast against new county, then and in that event none of the foregoing act or any of the provisions thereof shall take effect, but the entire act shall be inoperative and null.

Approved January 26, 1867.

CHAPTER 1153.

AN ACT, entitled "An act to direct the Secretary of State to purchase the Digest of the Decisions of the Court of Appeals of this State, prepared by M. H. Cofer."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to purchase of the author, for the use of this Commonwealth, one thousand copies of the Supplemental Digest of the Decisions of the Court of Appeals of this State, prepared by M. H. Cofer, at the price of five dollars per copy.

Cofer's Digest,
price \$5.

§ 2. That, as said books are delivered to the Secretary at his office, he shall examine them, and, if they are well bound and in good order, he shall certify to the Auditor of Public Accounts the number delivered; and the Auditor is hereby required, on the presentation of such certificate, to issue his warrant upon the Treasurer for the price of the same, which the Treasurer is directed to pay on presentation at his office.

§ 3. That it shall be the duty of the Secretary of State, when the acts of the present session of the General Assembly shall be distributed, to cause to be delivered to the

Persons entitled to book.

1867. following officers each one copy of said Digest, to-wit: to the Governor, one copy; to the Judges of the Court of Appeals, each one copy; to the Clerk of the Court of Appeals, one copy; to the Attorney General, one copy; to each Circuit Judge, one copy; to the Chancellor of the Louisville Chancery Court, one copy; to each Judge of a Criminal Court, one copy; to each Judge of Common Pleas Courts, one copy; to the Judge of each County Court, one copy; to the Judges of the City Courts of Louisville, Lexington, Frankfort, Covington, Paducah, and Henderson, each one copy; to each Commonwealth's Attorney, one copy; to each County Attorney, one copy; to each Circuit Court Clerk, one copy; to each Clerk of a Criminal, Chancery, or Common Pleas Court, one copy; to the Auditor of Public Accounts, Register of the Land Office, and Treasurer, each one copy; to the Judge and District Attorney of the United States District Court for the District of Kentucky, each one copy; and one copy each to the members of the present General Assembly, and one copy to the Lieutenant Governor.

§ 4. That each officer who may receive a copy of this Digest under the provisions of this act, either directly or from his predecessor in office, on his going out of office, shall deliver the same to his successor, to be by him held in the same manner that other public books are held.

§ 5. That the remaining copies shall be deposited in the Public Library to supply such officers as may not receive one from his predecessor, as prescribed by this act, or to exchange with other States for works of a like character, and for the use of the Court of Appeals.

Approved January 29, 1867.

CHAPTER 1182.

AN ACT to amend an act authorizing County Courts to make compensation to clerks for services under the pension laws, approved 3d of June, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 94.

§ 1. That an act, entitled "An act authorizing county courts to make compensation to clerks for services under the pension laws," approved June 3, 1865, be so amended as to apply to clerks of the circuit courts of this Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved January 30, 1867.

The act of June 3, 1865, is as follows:

1867.

"AN ACT authorizing County Courts to make compensation to clerks for services under the pension laws.

"§ 1. That hereafter it shall be the duty of the several county court clerks to keep an accurate statement of the number of certificates and county seals affixed by him during the year to pension and other papers for widows and others, against the government of the United States, and report the same to the county court at its court of claims; and it shall and may be lawful for said court to allow such clerk an allowance for said services as said court in its discretion may deem proper, to be paid out of county levy.

"§ 2. This act shall take effect from and after its passage."

CHAPTER 1254.

AN ACT in relation to the Election of Members to the Fortieth Congress.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an election shall be held to elect members to the Fortieth Congress, to assemble on the 4th day of March, 1867, in each of the Congressional districts, at the several places established by law for holding elections, in every county, town, and city in the State, to be holden on the 4th day of May, 1867.

Elect i
May 4, 18

§ 2. That on receiving notice of the passage of this bill, it shall be the duty of each county judge to cause to be opened the county court of their respective counties, and thereupon appoint all the officers to conduct said election now directed by law to conduct general elections.

Duty of county
judge.

§ 3. It shall be the duty of the sheriff of the county, by himself and deputies, immediately to notify the several officers of their appointment; and the day of election. He shall also give notice of such election by posting a notice, in writing, at the court-house door, and at each place of holding elections, at least ten days before holding the same.

§ 4. In case of the absence or inability of any county judge to perform the duty assigned by this act, it shall be the duty of the clerk of the county court to notify two justices of the peace, who are hereby vested with all the powers conferred on the county judge; and whose duty it shall be, within ten days succeeding such notice, to meet at the court-house, and comply with the provisions of this act; vacancies to be filled as now directed by law.

Duty of county
court clerk.

§ 5. The officers now required by law shall, in due form of law, certify the same; and it shall be the duty of the

How election
to be certified.

1867.

several sheriffs to meet at their respective court-houses on the next day after the election, and perform all the duties now required by law in Congressional elections. They shall within three days thereafter meet at the several places now fixed by law in their respective districts for comparing Congressional polls, and then and there compare the poll of the several counties, and perform such other duties as are now enjoined by law: *Provided*, If any of the sheriffs fail to attend, those in attendance may adjourn for a time, not to exceed two days.

Compensation
of election offi-
cers.

§ 6. All the officers attending such elections shall be entitled to the same compensation, to be paid in the same manner, as now fixed by law.

Duty of Gov-
ernor.

§ 7. That on the passage of this act it shall be the duty of the Governor to cause it to be published in all the newspapers in this State; and it shall be the duty of the Secretary of State to inclose a copy to each county judge and county clerk, and sheriffs of the several counties.

§ 8. This act to be in force from its passage.

Approved February 5, 1867.

CHAPTER 1255.

AN ACT to establish a Court of Common Pleas in the First, Third, and Fourteenth Judicial Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Courts estab-
lished.

§ 1. That there is established in all the counties composing the First, Third, and Fourteenth Judicial Districts, a court of justice, which shall be known as the court of common pleas, to be a court of record, held by a single judge for each district, who shall be elected on the first Monday in August, 1867, and hold his office for the term of six years, and until his successor shall be elected and qualified; and the successor of said judge in every six years thereafter; he shall possess the same qualifications as circuit judges; shall receive the same salary, which shall be paid to him in the same manner as salaries of circuit judges; he shall be a conservator of the peace; be commissioned and qualified in the same manner as circuit judges are, and shall be subject to impeachment and removal from office in like manner, and for like causes; shall have like powers as a circuit judge out of court, and shall have power to appoint examiners for any county in the First, Third, and Fourteenth Judicial Districts, and to license attorneys for the State of Kentucky; and vacancies shall be filled in said court in the same manner as they are filled in the circuit courts of this Commonwealth; the same practice, and the same fees, as far as applicable, shall

Term.

Qualifications.
Salary.

Powers.

prevail in said courts as in circuit courts; and it shall have a seal, bearing its name and the arms of this Commonwealth.

1867.

Seal.

§ 2. The said court of common pleas shall have original jurisdiction of all civil business, by suits at law, in equity, motion, or otherwise, and in all other matters and things of which the circuit courts of this Commonwealth have jurisdiction, except that said court shall not have any criminal or penal jurisdiction; said court shall have the same appellate jurisdiction that the circuit courts of this Commonwealth have in civil actions and traverses of writs of forcible entry and detainer; and bonds to suspend the sale of property under execution or attachment, or distress warrant, or attachment for rent, shall be taken to and tried in said courts in the same manner as they are now tried and disposed of in circuit courts.

Jurisdiction.

§ 3. The sheriffs of said districts shall perform all the duties in all cases and proceedings in said court, which, by law, they would be required to perform in the circuit courts of this State; and the circuit court clerks of each county in said districts, shall perform, for their respective counties, the clerical duties of said court, and be entitled to the same fees as they are allowed by law for similar services in circuit courts, collectable in like manner; they shall be responsible on their official bonds for the faithful discharge of their duties herein, in the same manner, and to the same extent, as acts done or omitted to be done in the circuit courts; and their certificates of the records of said court shall have the same force and effect as is given by law to their certificates of the records of the circuit court of said district; and the records of said court of common pleas shall have the same force and effect, and shall be evidence in all the courts of this State, in the same manner, and to the same extent, as records of the circuit courts. And the clerks of the several circuit courts of said districts shall, on the second Monday in August, 1867, transfer from the circuit courts of said districts all common law business, by suit, motion, or bonds to suspend the sale of property taken under execution, attachment or distress warrant for rent, which shall at that time be pending and undetermined in the circuit courts of said districts, to the courts of common pleas of said districts: *Provided*, That any suit, motion, appeal, or proceeding, in the circuit courts of said districts, in which a motion for a new trial shall be then pending, shall be exempted from said transfer; and the clerks of the counties composing the First, Third, and Fourteenth Judicial Districts shall, at the written request of the plaintiff, in any action in equity pending in the circuit courts of said counties, transfer any cause or causes pending in the circuit courts of said counties to the court of common pleas

Sheriffs.

Clerks.

Records of courts, how far evidence.

How and when common law cases transferred from circuit courts.

Cases under motion for new trial, not transferred.

Equity cases—when transferred.

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Jailer.
Coroner.Pro tem.
judges.Writs of habeas
corpus, &c.

Venue.

Cases pending
in these and
circuit courts,
how consoli-
dated.But one order
of transfer
made.

Petit jurors.

Code of Prac-
tice.

of the respective counties of said districts, who shall regularly docket the same for trial, which actions, so transferred, shall proceed in said court to final trial and judgment in the same manner as if they had been originally instituted in said court of common pleas. The jailers and coroners of the counties composing said districts shall perform the same duties in the court of common pleas as they are required by law to perform in the circuit courts of said counties, and receive the same compensation for their services, which shall be paid in the same manner as they are paid for similar services in the circuit courts of said districts. That the provisions of Revised Statutes, and amendments thereto, regulating the election and qualification of *pro tem.* judges of the circuit courts, shall regulate and govern the election and qualification of *pro tem.* judges of the court of common pleas created by this act.

§ 4. The judge of the court of common pleas shall have the same power to grant and try writs of *habeas corpus*, mandamus, and writs of prohibition, as circuit courts and circuit judges in this Commonwealth have. The laws regulating the change of venue in civil actions in this Commonwealth shall regulate and govern the change of venue of any civil causes from the circuit courts of the First, Third, and Fourteenth, or any other Judicial Districts, to the courts of common pleas in said districts, and from the courts of common pleas in said districts to the circuit courts of said districts, or any district of this State; and wherever any action shall be pending in any circuit court of said districts, and, at the same time, an action or actions shall be pending in the court of common pleas of said districts, affecting the same property; or whenever, for any cause, it shall be made to appear, to either the circuit judge or judge of the court of common pleas, that there are actions pending in said courts, and that it would be right and proper to have the same consolidated and tried together, it shall be the duty of the judge of either of said courts to transfer all such causes to the docket of either the circuit court or court of common pleas, so that all said causes may be heard and tried together in the same court, which shall be done by an order entered upon the order book of the court making the transfer: *Provided*, That where causes have been transferred from one court to the other, no second order of transfer shall be made, unless with the consent of all the parties to the action. The laws regulating the selecting, summoning, and empanneling of petit jurors in the circuit courts of this State, shall regulate the selecting, summoning, and empanneling of jurors in the court of common pleas. That the Code of Practice of this State shall regulate and govern all actions and proceedings in the court of common pleas, in the same manner, and to the

same extent, as in circuit courts. The court of common pleas shall hold at least two terms in each year in each county of their judicial districts, which terms shall be fixed by law.

1867.

Terms.

§ 5. That the sheriffs, jailers, marshals, and constables in the several counties composing said districts, and throughout the State, shall execute all precepts and process, summons and writs of execution, which to them shall be directed from said court, and return the same to the proper office, and be responsible in like manner as for process, precepts, summons, and writs of execution issued from the circuit courts of this State.

Who to execute process.

§ 6. The circuit court clerks of each county in said districts shall procure a set of record books for said court, such as are used in the circuit courts of this State, in which shall be kept the minutes, records, and proceedings of said court, which books shall be paid for out of the public treasury in the same manner as record books for circuit courts are now paid for. All fees to any officer, for any service performed in the court of common pleas, shall be due and payable and collectable under existing laws.

How record books to be obtained.

§ 7. This act shall take effect from and after its passage.

Approved February 5, 1867.

CHAPTER 1287.

AN ACT to authorize the formation of Corporations for Mining and Manufacturing and other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any three or more persons may desire to form a corporation for the purpose of carrying on any kind of mining, manufacturing, mechanical, chemical, or quarrying business, or transportation and vending of coal, or boring for petroleum (rock oil), salt water, and other valuable minerals, and refining, manufacturing, and transporting the same to market, they shall associate themselves together, by articles of agreement, in writing, as hereinafter provided; and when they shall have complied with the provisions of this act, they, their successors and assigns, shall be and remain a body politic and corporate, in fact and in name, under any name indicating their corporate character assumed in their articles of association, and which is not previously in use by any other corporation or stock company.

Corporations which may be formed.

§ 2. Such corporation may, in its corporate name, take, hold, and convey such estate, whether real, personal, or mixed, as may be necessary and proper for the purposes of its organization; and may carry on its business, or so much

What they may hold.

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thereof as is convenient, beyond the limits of this Commonwealth, and may there hold any real or personal estate necessary for conducting the same; and by that name shall have succession, and be capable of suing and being sued, and may have a common seal, and alter the same at pleasure.

Articles of
association.

What they
shall state,

§ 3. The articles of association shall be signed by the parties and acknowledged, and such acknowledgment certified, before some officer authorized by the laws of this State to take acknowledgment of deeds, and shall distinctly and definitely specify and set forth: The agreement to associate, and the length of time for which it is formed, the corporate name assumed, the purposes for which the corporation is established, the amount of the capital stock, and the number and par value of the shares, and what amount, if any, of special or preferred stock may be issued, and the location of the general business office, and, if the same is without this State, also the location of the business office within the State; which articles shall be recorded by the clerk of the county court of the county where the business office of the corporation in this State is to be located, in the same book in which deeds are recorded; and a certified copy thereof shall be deposited with the Secretary of State of this Commonwealth: *Provided*, That if the corporation has a business office without this State, the said articles shall be signed in duplicate, and one copy left in said office, and the other recorded as herein directed.

General office.

§ 4. The general office for directing the business of the company may be within or without this State, and within the United States: *Provided*, That there shall always be one business office within this State, in the county in which the principal practical operations are carried on, and that service of any notice or process may be made upon the agent in charge of such office, which shall be binding upon such company, and such notice or process shall be served upon such corporation in the same manner as is now directed by law with regard to other corporations.

First meeting,
how called.

§ 5. The first meeting of such corporation shall be called by a notice, signed by one or more of the parties to such an agreement, stating the time, place, and purposes of the meeting, one notice of which shall be given to each member, personally or by mail, or published in some newspaper printed in the State of Kentucky, to be designated in the by-laws.

Certificate to
be filed with
Secretary of
State.

§ 6. Before such corporation commences business, the president, secretary, and treasurer shall make, sign, swear to, and deposit with the Secretary of State of this Commonwealth, a certificate specifying and setting forth—1st. The names and offices of the directors, president, secre-

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tary, and treasurer of the fully organized company. 2d. The fact and time of the organization under said articles. 3d. The amount of the capital stock actually paid in, and what number of shares have been paid in property, and the number paid and to be paid in money; and shall file a copy thereof, certified by the Secretary of State, with the county clerk of the county in which the articles of association are to be recorded, to be by him duly recorded in the same manner as said articles are; and when such certificate shall be so deposited with the Secretary of State, he shall certify to the Governor that the requisite certificate of the formation of said company has been filed in his office; whereupon the Governor shall issue letters patent to said corporation in due form of law, in which he shall specify the compliance of such corporation with the provisions of this act, the purposes of its organization, and that it is invested with all the rights, powers, and privileges, with full force and effect, and subject to all the duties, requisitions, and restrictions specified and enjoined in this act.

§ 7. If doubts arise whether any such corporation is legally organized, the stockholders, at a meeting specially called for the purpose, under their by-laws, or by notice as required by section five, or by notice published in some paper printed in the place where the general office is located, may, by vote, confirm such organization and all proceedings under it, and by so doing, and depositing for record one copy of such vote with the county clerk of said county of record (named in section six), and one copy with the Secretary of this Commonwealth, such corporation and the acts of the company shall be held legal and valid as if the original organization had been legal.

Vote to confirm organization.

§ 8. Said corporations may make by-laws, not repugnant to the laws of this Commonwealth, for the regulation of their business.

By-laws.

§ 9. The business of the company shall be managed and conducted by a president, board of directors, a secretary, a treasurer, and such other officers, agents, and factors as the company authorizes for that purpose; and meetings of the directors and stockholders shall be held at such times and places as may be provided in the by-laws.

Officers.

§ 10. The directors shall be chosen annually by the stockholders, and qualified before entering upon their official duties, and shall hold office until others are chosen and qualified in their stead; the manner of such choice, and of choice and appointment of all other agents, factors, and officers of the company, and the manner of filling all official vacancies, shall be prescribed by the by-laws.

Directors.

§ 11. The number of the directors shall not be less than three, all of whom shall be stockholders in the company,

Number and qualification of directors.

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and citizens or residents of the United States, and at least one of them a resident of this State; and one of whom shall be chosen president by the stockholders or by the directors, as the by-laws shall direct; and the number of directors necessary to constitute a quorum shall be prescribed by the by-laws.

Secretary.

§ 12. The secretary shall be sworn, and shall record all the votes of the company in a minute book, and perform such other duties as shall be assigned to him. The treasurer shall give bond in such sum, and with such sureties, as shall be required by the by-laws, for the faithful discharge of his duties. The secretary and treasurer may be one and the same person.

§ 13. At all the meetings of the company, absent stockholders may vote by proxy, authorized in writing. Every company may determine by its by-laws what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting to constitute a quorum; if not so determined, a majority in interest of the stockholders shall constitute a quorum, and each stockholder shall be entitled to as many votes as he owns shares of stock in such company; and the manner of voting, whether by ballot or otherwise, shall be prescribed in the by-laws.

§ 14. The capital stock of every company, the amount whereof has been fixed and limited by such company according to law, shall remain so fixed, subject to be increased or reduced pursuant to the provisions of this act, and the said stock shall be held and treated as personal property.

Special or preferred stock.

§ 15. Every company may by a vote of three fourths of the stockholders present at any general meeting called for the purpose, issue special or preferred stock, to an amount not exceeding two fifths of the actual capital of the corporation paid in, subject to redemption at par after a fixed time, to be stated in the certificates. Holders of such special or preferred stock shall be entitled to receive, and the company shall be bound to pay thereon, a fixed half-yearly sum or dividend, to be expressed in the certificates, not exceeding eight per cent per annum; but they shall, in no event, be liable for the debts of the company beyond their stock, and no general stockholder shall be liable beyond the assets of the company for the payment either of the principal or accrued dividends of such special stock; but no such special or preferred stock shall be issued, unless provided for in the articles of association, until the proceedings of the meeting directing the issue thereof shall be filed with the clerk of the court where the articles of association are recorded, which shall be recorded by

him, and until a copy of said proceedings is deposited with the Secretary of State.

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§ 16. Shares of the capital stock may be transferred by the proprietor, by an instrument in writing under his hand, and recorded by the secretary of the corporation in a book kept for that purpose; the purchaser or transferee named in such instrument so recorded, shall, on producing the same to the secretary, and delivering to him the former certificate, be entitled to a new certificate; but no such instrument of writing shall be esteemed as vesting any ownership of the stock in any other than the person to whom it was originally issued, as between the company and the holder of such instrument, until the transfer is duly made on the books of the company. The stock ledger, containing a full list of all the stockholders and their places of residence, shall be open at all reasonable times, at the general business office of the company, to the inspection of the stockholders and creditors of the company and their legal representatives, any and each of whom shall have the right to take extracts therefrom. Said stock ledger shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit or proceeding against the company, its president, directors, and stockholders, or any one of them.

How shares of stock may be transferred.

§ 17. The directors of the company may, from time to time, assess upon each share of unpaid stock such sums of money as they may think proper, not exceeding, in the whole, the amount at which such unpaid share was originally limited; and such sums shall be paid to the treasurer, at such times and in such installments as the directors may require, notice of such assessment to be delivered in person or sent by mail to each stockholder, as the same is recorded in the stock ledger of the company. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock.

Assessments upon unpaid stock.

§ 18. If the proprietor of any share shall neglect to pay a sum duly assessed thereon, for the space of thirty days after the time appointed for payment, the treasurer of the company may sell, by public auction, the share or shares so delinquent, and the proceeds of the same, after paying all expenses of the sale, shall be appropriated to the payment of such delinquent installment, together with twenty-five per cent. in addition thereto, and the residue, if any, shall be paid over to the person previously owning the stock so forfeited and sold; and the owner of such delinquent stock shall be and remain personally liable for the payment of any part of such installment, additional per centage, and expenses, not realized from the sale as

Sale of shares when assessments are not paid.

1867.

Time and place
of such sale.

aforesaid, until the deficiency shall have been fully paid and discharged, together with the costs of suit, if any.

§ 19. The treasurer shall give notice of the time and place appointed for such sale, by advertising the same three weeks successively before the sale, in some newspaper published in the State of Kentucky, to be designated in the by-laws, and by written or printed notice, to be delivered personally, or to be sent by mail to the address of such delinquent stockholder, as his address may stand on the stock ledger of the company.

Minimum and
maximum
stock.

§ 20. The capital stock of any company organized under this act shall never be less than five thousand dollars (\$5,000) nor more than two millions (\$2,000,000), and no share of stock shall be issued for less than its par value.

What may be
received in
payment of
subscriptions.

§ 21. Such corporation may receive in payment of subscriptions to its capital stock, at such valuation as may be determined by its board of directors, any real estate, leaseholds, mining and mineral rights, including rights to bore or mine for petroleum or rock oil, salt water, and any other valuable substance; and the amount of the capital stock so paid shall be duly stated in the certificate to the Secretary of State, as provided in section six: *Provided*, That at least ten per cent. of the whole number of shares shall be reserved as a working capital, to be paid in, from time to time, in money, as the directors may require.

Certificate to
be annually
filed with the
county clerk.

§ 22. The president, secretary, and treasurer shall annually, in September, make, sign, swear to, and file for record with the county clerk of the proper county of record aforesaid, a certificate stating the names and offices of the directors, president, secretary, and treasurer, the names of and number of shares held by each stockholder, the amount of capital stock paid in, and how much of same is paid in property and how much in money, the amount invested in real and personal estate, the amount of property owned by and debts due to the corporation on the first day of July next preceding the date of such certificate, and the amount, as nearly as can be ascertained, of existing demands against the corporation at the date of the certificate, and shall deposit a duplicate thereof with the Secretary of State; and if said officers neglect or refuse to perform the duties required in this section, they and the directors shall be jointly and severally liable for all debts of the corporation contracted during the continuance of such refusal or neglect.

Certificate
when last in-
stallment of
stock is paid.

§ 23. The president, secretary, and treasurer of such company shall, after the payment of the last installment of the capital stock, make a certificate, stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by said officers, and they shall file the same for record with the county clerk of said county in

which the business office in this State is located (section 6), and shall deposit a duplicate thereof with the Secretary of State.

1867.

§ 24. Any company may, by a vote at any meeting called for the purpose, increase its capital stock, and the president, secretary, and treasurer, after payment of the last installment of such additional stock, shall make a certificate of the amount so added and paid in, and sign and swear to the same, and file it for record in the proper county of record aforesaid, and shall deposit a duplicate thereof with the Secretary of State.

How capital stock may be increased.

§ 25. If any of said officers neglect or refuse to perform the duties required of them in the last two preceding sections, they and the directors shall be jointly and severally liable for all the debts of the company contracted after the expiration of thirty days from the payment of the last installment, and before such certificate is so filed and deposited.

Penalty upon officers.

§ 26. Any company may, by a vote at any meeting called for the purpose, reduce its capital stock; in which case, a certified copy of the vote for said reduction shall be made, signed, and sworn to by the president, secretary, and treasurer of the company, and filed for record in the proper county of record aforesaid, and a duplicate shall be deposited with the Secretary of State; and in default thereof, said officers, together with the directors, shall be jointly and severally liable for all debts of the company contracted after thirty days from said reduction, and before the proper certificates are delivered in person [or] by mail.

Capital stock may be reduced

§ 27. And such corporation may, at any meeting of the stockholders called for the purpose, change or extend its operations to any business named in the first section, subject to the provisions and liabilities of this act: *Provided*, That the president, secretary, and treasurer thereof shall make, sign, swear to, and deposit with the Secretary of this Commonwealth a certificate specifying and setting forth such change or extension of business, and the county or counties in which the same is to be carried on, and shall file a copy of said certificate, certified by the Secretary of State, for record in the office of the county clerk of the county in which the business office in this State is located; and if said officers shall neglect or refuse to deposit and file such certificate as aforesaid, before commencing operations under such change or extension of business, they and the directors shall be jointly and severally liable for all debts of the corporation contracted during the continuance of such neglect or refusal.

Business may be changed.

§ 28. If the directors of any company declare any dividend when the company is insolvent, or the payment of which would render it insolvent, they shall be jointly and

No dividends to be declared when company is insolvent. Penalty for so doing.

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severally liable for all debts of the company then existing, and for all thereafter contracted, so long as they respectively continue in office: *Provided*, That the amount for which they shall be liable shall not exceed the amount of payments on such dividend; and if any of the directors are absent at the time of making the dividend, or object thereto at said time, and file their objections, in writing, with the secretary of the company, they shall be exempted from such liability, and such objections shall be duly recorded by the secretary on the minute book, and certified by him to such director so objecting.

No money to
be loaned to
stockholders.
Penalty for so
doing.

§ 29. No loan of money shall be made by such company to any stockholder therein; and if any such loan is made to a stockholder, the officers who made it, or assent thereto, shall be jointly and severally liable to the extent of such loan, and interest, for all the debts of the company contracted before the payment of the sum so loaned: *Provided*, That any dissenting officer shall be exempted from such liability upon filing his written objections with the secretary for record, as prescribed in the last preceding section.

How much
debt may be
contracted.

§ 30. The whole amount of the debts which any such company at any time owes shall not exceed the amount of its capital stock actually paid in; and, in case of any excess, the directors under whose administration it occurs shall be jointly and severally liable, to the extent of such excess, for all debts of the company then existing, and for all that are contracted so long as they respectively continue in office, and until the debts are reduced to the amount of the capital stock: *Provided*, That any of the directors who are absent at the time of contracting any debts, contrary to the foregoing provisions, or who object thereto, may exempt themselves from liability by forthwith giving notice of the facts to the stockholders, at a meeting they may call for that purpose.

False swearing.

§ 31. If any certificate made, or any statement or notice given by the officers of a company, under the provisions of this act, is false in any material representation, all the officers who signed the same, knowing it to be false, shall be jointly and severally liable for all debts of the company contracted while they were officers or stockholders thereof, and, if made under oath, shall also be liable to the penalties for perjury or false swearing.

What shall be
delivery of cer-
tificates.

§ 32. When certificates, or any notices, statements, or documents, required by the provisions of this act, shall have been either delivered or served in person, or shall have been deposited in the post-office to the proper address, such personal delivery or service, or such deposit, shall be and constitute a full and sufficient compliance with such provisions on the part of the officers of such corporation.

§ 33. The estates and funds in the hands of executors, administrators, guardians, or trustees, shall not be liable to a greater extent than the testator, intestate, ward, or person interested in the trust fund, would have been if living and competent to act, and hold the stock in his or her own name.

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Liability of decedents' estates.

§ 34. Any company carrying on any business named in the first section of this act, under a special charter, may, at any meeting called for the purpose, by a vote of a majority in interest of its stockholders, dissolve its organization and organize under this act; and any company so organizing under this act shall have the right, in preference to any other company, to assume the name by which it was known in its former charter, or it may assume a new name, not previously in use by any other chartered company: *Provided*, That it shall perfect its new organization within ninety days after dissolving its special charter; and, after such new organization, it shall be entitled to all the rights, privileges, and immunities conferred by this act, and the property, effects, and rights of action of the company shall pass to and be vested in the company so organized under this act, and the debts, liabilities, and demands existing against the company so dissolved shall be and remain debts, liabilities, and demands against the newly organized company, and may be prosecuted against it in like manner, and to the like effect, as they might have been against the company so dissolved: *And provided further*, That when such new organization shall have been perfected, the president, secretary, and treasurer thereof shall make, sign, swear to, and deposit with the Secretary of State a certificate specifying—1st. The name and dissolution of the company organized under such special charter, and the names of the incorporators therein set forth. 2d. The corporate name assumed by the organization. 3d. The names and offices of the directors, president, secretary, and treasurer thereof. 4th. The purposes for which such corporation is established. 5th. The amount of the capital stock actually paid in, and what number of shares have paid in property, and the number paid and to be paid in money. 6th. The place where the general office is located, whether within or without the State, and the place of the business office within this State, and the county or counties in which their business is to be carried on. 7th. The term of its existence—the same not to exceed fifty years; and shall file a copy thereof with the county clerk of the proper county of record aforesaid, to be by him duly recorded; and when such certificate shall have been so deposited with the Secretary of State, and recorded by the county clerk as aforesaid, he shall certify to the Governor that the requisite certificate of the

How companies may organize under this act.

1867.

dissolution of the company organized under such special charter, and its reorganization under this act, has been filed in this office. Whereupon the Governor shall issue letters patent to such company so reorganized, in due form of law, in which he shall specify such change of organization, the compliance of such company with the provisions of this act, the purposes of its organization, and that it is invested with all the rights, powers, and privileges, with full force and effect, and subject to all the duties, requisitions, and restrictions specified and enjoined in this act.

Dissolution.

§ 35. The circuit or chancery court of the proper county of record aforesaid shall have the power to dissolve such corporation, upon petitions filed under the corporate seal of the company, and signed by a majority in interest of the stockholders.

Effects of dissolution.

§ 36. All such companies whose charters shall expire [by] limitation, petition, forfeiture, or otherwise, shall nevertheless be continued bodies corporate for three years after the time they would have been so dissolved, for the purpose of prosecuting and defending suits, and to enable them to settle their affairs, dispose of and convey their property, and divide their capital stock, but not to continue the business for which they were established; and when the charter of any such company shall expire, as aforesaid, the circuit or chancery court of the proper county of record aforesaid, on the application of any creditor or stockholder thereof, within the said three years, may appoint a receiver or receivers, with power to take charge of its estate and effects, collect its debts, dispose of its property, prosecute and defend suits in the name of the corporation or otherwise, appoint agents, and do all other acts which the corporation might do if in being necessary to close its business; and said court may make such orders, injunctions, and decrees as justice and equity may require for the purposes aforesaid, and may continue the powers of such receivers beyond the said three years, and as long as the court may deem necessary.

Receivers.

§ 37. Such receivers shall pay all the debts of the company, if the funds in their hands are sufficient therefor, otherwise shall distribute the same ratably among all the creditors proving their debts, as the court may direct; and if any balance remains, after paying said debts, the cost of the proceedings, and such compensation to the receiver as the court may allow, it shall be distributed among those entitled thereto as having been stockholders, or their legal representatives.

When charter may be declared forfeited.

§ 38. Whenever a judgment against such corporation, or bond having the effect of a judgment, shall have remained unpaid for one year after its rendition or maturity,

and execution thereon is not stayed by appeal or superse-
deas, the courts aforesaid shall have power, upon the
application of any creditor or stockholder, to declare the
charter of such corporation forfeited, and to take such
proceedings as may be deemed necessary to close its
affairs, as authorized in the last two preceding sections of
this act.

1867.

§ 39. The officer and stockholders of corporations or-
ganized under this act shall not be individually liable for
the debts of such corporations, otherwise than in this act
provided.

When stock-
holders and of-
ficers indi-
vidually liable.

§ 40. Such company shall have all other powers needful
and proper for the successful prosecution of its business,
and for the execution of the powers granted in this act:
Provided, That nothing herein shall be construed as con-
ferring banking privileges or the right to build public roads.

General pow-
ers.

§ 41. The provisions of this act may be amended or re-
pealed at the pleasure of the Legislature.

§ 42. The clerks of the county courts shall be allowed
two cents for every twenty words for recording any instru-
ments required by this act to be recorded, and the same
for a copy thereof; and the Secretary of State shall be
allowed, for copies of any papers required herein to be
filed in his office, the same fees as now allowed him by
law for copies from his office, and a fee of one dollar for
the letters patent, and the usual fee for affixing the seal
to the same; and copies of the papers required herein to
be recorded shall be prima facie evidence in all the courts
of this State.

Fees of clerks.

§ 43. This act shall take effect from its passage, and an
act, entitled "An act to authorize the formation of corpo-
rations for manufacturing, mining, transporting, mechan-
ical, or chemical purposes," approved March 10, 1854, is
hereby repealed.

Act of March
10, 1854, repeal-
ed.

Approved February 7, 1867.

CHAPTER 1289.

AN ACT to amend an act, entitled "An act to establish a Criminal Court in
the 9th Judicial District."

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. The powers, duties, and liabilities of the judge of
the criminal court shall be the same in all respects as those
of the judge of the circuit court as to granting license to
persons to practice as attorneys at law in the courts of this
Commonwealth.

Myers, 696.
Court can
license attor-
neys.

§ 2. All the powers and duties of the judge of the cir-
cuit court in relation to the attorney for the Common-

Common-
wealth's Attor-
ney.

1867.

wealth are hereby devolved exclusively upon the judge of the criminal court.

Trustee of jury fund.

§ 3. All the powers and duties of the judge of the circuit court in relation to the trustees of the jury fund, are hereby devolved exclusively upon the judge of the criminal court.

Reports by certain officers.

§ 4. All reports and returns required to be made to the circuit court, by circuit court clerks, county clerks, county court judges, police judges, justices of the peace, sheriffs, marshals, constables, and all civil officers and other persons having fines and forfeitures, or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court. And all the powers and duties of the judge of the circuit court respecting the same are hereby devolved exclusively upon the judge of the criminal court.

Jurors.

§ 5. Nothing herein contained shall be so construed as to take from the circuit judge such power, now possessed by him, as may be necessary to make provision for the payment of the jurors of the circuit court.

Terms.

§ 6. The regular terms of said criminal court shall be held at the times and places following, to-wit:

Kenton.

In the county of Kenton, at Covington, on the first Tuesdays succeeding the second Mondays in January, April, June, and October, and continue eleven juridical days each.

Campbell.

In the county of Campbell, at Newport, on the first Tuesdays succeeding the fourth Mondays in January, April, and October, and continue eleven juridical days each. And at Alexandria, on the first Tuesday succeeding the second Monday in March, and the first Tuesday succeeding the first Monday in October, and continue five juridical days each.

Pendleton.

In the county of Pendleton, at Falmouth, on the first Tuesday succeeding the second Monday in February, and on the first Tuesday succeeding the first Monday in September, and continue eleven juridical days each.

Harrison.

In the county of Harrison, at Cynthiana, on the first Tuesday succeeding the third Monday in March, and on the first Tuesday succeeding the third Monday in September, and continue eleven juridical days each.

Bracken.

In the county of Bracken, at Brookville, on the first Tuesdays succeeding the fourth Mondays in May and November, and continue eleven juridical days each: *Provided*, As to each term, that the business thereof so require.

Process and bail bonds.

§ 7. That all process made returnable to the said several terms of the court as now directed by law to be held, and all bail bonds and recognizances for the appearance of

parties therein, be, and the same are hereby, continued until the sittings of said court, as provided by this act.

1867.

§ 8. This act shall take effect from and after its passage.

Approved February 7, 1867.

CHAPTER 1265.

AN ACT to amend the law concerning attachments in criminal cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend chapter 4 of the Code of Practice in criminal cases, allowing attachments in certain cases," approved February 15, 1864, be, and the same is hereby, amended by striking out the word and figures "section 22," and insert instead the word and figures "sections 221 and 222."

Myers, 161.
Myers' Code,
589.

§ 2. This act shall take effect from its passage, and shall apply to all actions and proceedings had under the law to which this is an amendment.

Approved February 6, 1867.

The act of February 15, 1864, is as follows:

"AN ACT to amend chapter four of the Code of Practice in criminal cases, allowing attachments in certain cases.

"§ 1. That when the sheriff or other officer shall return the summons which shall have been issued under the authority of section ninety-two, chapter four, entitled 'Forfeiture of Bail,' of the Code of Practice in criminal cases, not executed, in whole or in part, and that the defendants, or any of them, are non-residents of this Commonwealth, or so conceal themselves or himself that the summons can not be executed upon them or him, the attorney for the Commonwealth may sue out an attachment against the estate of the defendants as to whom such return shall have been made, and proceed as provided in chapter third, of the Code of Practice in civil cases, entitled "Provisional Remedies," except no affidavit or bond shall be required; or said attorney may sue out an attachment in such cases, for any of the causes prescribed in section twenty-two of the Code of Practice in civil cases, by making affidavit and executing bond as therein required."

[The chapter 4 of the Criminal Code which is amended by the act of February 15, 1864, is chapter 4, of title 4—sections 88 to 95, inclusive.]

1867.

CHAPTER 1303.

AN ACT authorizing the Board of Managers of the Eastern and Western Lunatic Asylums to fix the salaries and rates of charges in said Asylums.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Managers of the Eastern and of the Western Lunatic Asylums each shall have power to regulate and fix the salaries of all the officers of their respective Asylums at such amounts as they shall deem proper for their services, and shall have power, at any time, to increase or reduce the same: *Provided*, That all salaries shall, as heretofore, be paid out of the ordinary support fund, as now provided by law.

§ 2. The Board of Managers of each Asylum shall have power to fix the maximum amount that shall be charged paying patients in their Asylums.

§ 3. That all laws inconsistent with this act be, and they are hereby, repealed.

§ 4. That the salary shall not be increased to a greater amount than one third of the present salaries, and that no patient shall be charged more than ten dollars per week, nor shall any increase over the present maximum rate be demanded, unless where extraordinary allowances or attention are required for the parties, and the friends of the patient are able to pay the same.

§ 5. This act shall take effect from its passage.

Approved February 8, 1867.

CHAPTER 1304.

AN ACT appropriating money to the Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized and directed to draw his warrant on the Treasurer, in favor of the Board of Managers of the Western Lunatic Asylum of Kentucky, for the sum of twenty-one thousand dollars, for the payment of the debt of said asylum, supplying the asylum with necessary furniture, and paying the building commissioners for their services in rebuilding the house.

§ 2. It shall be the duty of the Board of Managers to appropriate the above named sum in the following manner, viz: fifteen thousand dollars shall be appropriated to the payment of all outstanding debts against the asylum, and the purchase of furniture to prepare the remainder of the house for occupancy, and the balance to be paid equal-

ly to the building commissioners, George Poindexter and E. R. Cook, for their services in rebuilding the asylum.

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§ 3. This act shall take effect from its passage.

Approved February 8, 1867.

CHAPTER 1305.

AN ACT to amend the act to establish the Jefferson Court of Common Pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be no appearance terms in the Jefferson court of common pleas, and the fifth section of the act to establish said court is repealed.

Myers, 561.

§ 2. The said court shall always be open, and all summons, executed in any action in said court twenty days, if executed within Jefferson county, or thirty days, if executed in any other county of the State, shall be sufficient to authorize the plaintiff or defendant to set the action on the trial docket for hearing or trial. If one or more of the defendants in any action is served with summons in another county than Jefferson, then such action shall not be ready to be placed on the trial docket before the expiration of thirty days from the date of the service of the summons. No action in said court, by constructive summons, shall be ready for hearing or trial until the expiration of sixty days from the day of the appointment of an attorney to defend, as provided by the Code of Practice.

Court always open. When cases stand for trial.

Constructive summons.

§ 3. That so much of the sixth section of said act establishing said court as is contrary to this act is repealed.

Sixth section of act of Feb. 24, '65, repealed.

§ 4. That actions in said court which are not contested shall be tried or heard in open court as they are placed for trial on the trial docket and called, unless the judge shall take time to consider the law or fact in any such action, or unless time is given for argument of either law or facts, and then the court may lay over any such action to a future day.

Trial of uncontested cases.

§ 5. The defendant in any action in said court may demur and answer, or either, at any time after the service of summons, actual or constructive, and the court may, in its discretion, permit pleadings to be filed by either of the parties at the time such action is called for hearing or trial, or may give time to plead, and the plaintiff may file a reply at any time after the answer is filed, setting up a set-off or counter-claim, and the court may give time to make up the pleadings and to prevent surprise by the answer or reply.

Demurrer, answer, and reply, when to be filed.

§ 6. Should the judge of said court be unable, from sickness or other cause, to discharge his duties, the clerk of the court or his deputy clerk shall hold an election for judge *pro*

Pro tem. judge.

1867.

How elected.

His salary.

tem. by notifying the practicing attorneys at law of said court of the time and place of the election; and the said attorneys at law may elect, *viva voce*, one of their own number to act and perform all the duties of said judge, during his absence or inability to discharge his duties; and the judge *pro tem.* shall possess the same qualifications and take the same oaths of office required of circuit judges, and shall have and possess and exercise all the authority and power conferred by law upon the Jefferson court of common pleas, when acting as judge *pro tem.*, and for his services shall be entitled, *pro rata*, to the same rate of salary, to be paid in the same manner, for the time he served, as paid to the judge of said court. The clerk shall enter of record, upon the order book of the court, said election and qualification of the judge *pro tem.*, and shall certify to the Auditor of Public Accounts the number of days the *pro tem.* judge holds said court.

§ 7. This act shall take effect from its passage.

Approved February 8, 1867.

CHAPTER 1309.

AN ACT to require the County Courts to have one or more fire-proof vaults in their respective Counties erected for the safe-keeping of the public records of their respective Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County courts
to provide fire-
proof vaults or
safes to pre-
serve public
records.

§ 1. That it is hereby made the duty of the several county courts in this Commonwealth, to have erected and kept in their respective counties, one or more fire-proof vaults or safes for the purpose of keeping and preserving the public records and record books of said counties, to be paid for out of the county levy: *Provided*, That this act shall not apply to any county where public buildings in which her records are kept are fire-proof; nor to any county in which such safe or safes have been procured, or vault or vaults erected: *And provided further*, That in case any such vault or vaults shall be destroyed, it shall be the duty of the county court to have the same rebuilt or repaired, so as to make it fire-proof.

§ 2. This act shall take effect ninety days after its passage.

Approved February 11, 1867.

CHAPTER 1310.

1867.

AN ACT to prohibit County Judges to bring suits to settle the estate of deceased persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any presiding judge of the county courts of this State to bring a suit to settle the estate of a deceased person in any court of his county. County judge to bring certain suits.

§ 2. Any presiding judge of the county courts of this State violating this act shall forfeit his office. Penalty.

§ 3. This act shall take effect from its passage.

Approved February 11, 1867.

CHAPTER 1314.

AN ACT to amend an act, entitled "An act to establish the office of Public Administrator and Guardian," approved January the 28th, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person holding the office of public administrator and guardian in any of the counties of this State, to bring a suit as attorney or counsel, to settle the estate of a deceased person in his hands as such administrator, or growing out of or connected with such estate, in any of the courts of this Commonwealth. Myers, 368, 716. Public administrator not to bring suit to settle any estate in his hands, or connected therewith.

§ 2. That no person who is a partner with any other person holding the office of public administrator and guardian in the practice of law, shall bring any such suit as is described in the first section of this act. Nor can his partner bring such suits.

§ 3. Any public administrator and guardian violating this act, or knowingly suffering it to be violated, shall forfeit his office. Penalty.

§ 4. This act shall take effect from its passage.

Approved February 11, 1867.

CHAPTER 1317.

AN ACT to establish the County of Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first day of August, 1867, all the parts of Nicholas, Hartison, Bracken, and Mason counties lying within and included in the following boundary shall be, and the same is hereby, stricken from said counties, and erected into a district or county, to be called and designated and known as the county of Robertson,

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to-wit: Beginning at the bridge over Licking river, where the Maysville and Lexington turnpike road crosses said river; thence down said river with the meanderings to low-water mark to where the Augusta and Claysville turnpike road terminates, opposite the town of Claysville; thence with said turnpike road, including the residence of J. M. Clark, living on the line of said road, to the North Fork of Licking river; thence up said North Fork of Licking river to the mouth of Shannon creek, in Mason county; thence on a straight line to a point where Mason, Nicholas, and Bracken counties corner; thence with the Mason and Nicholas county line to the Fleming line; thence with the Nicholas and Fleming line to the Maysville and Lexington turnpike road; thence with said turnpike road to the beginning.

§ 2. That the seat of justice in said county shall be established in and located at the town of Mt. Olivet, within said boundary.

§ 3. That the county of Robertson shall be laid off in five districts for the election of justices of the peace and constables; and there shall be elected two justices of the peace and one constable in each district; said districts shall also be election precincts. N. A. Tilton, Duncan Hardin, James Kepton, and Aaron Owens, are appointed commissioners, who, or a majority of whom, after taking an oath faithfully and impartially to discharge their duties, shall lay off said districts, and designate the place of voting in each; said commissioners shall meet at the house of William Paul, in the town of Mt. Olivet, on the first Monday in May next, or as soon thereafter as may be, and proceed to discharge the duties imposed upon them by this act. They may adjourn from time to time and place to place until the duties hereby imposed shall be completed. They shall lodge a certified copy of the boundaries of said districts in the hands of John Riggs, whose duty it shall be to hold it in safe-keeping until there shall be an election of county court clerk of said county of Robertson; and then he shall deliver it to said clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy to the Secretary of State, who shall carefully preserve the same in his office; said commissioners shall also designate two suitable persons to act as judges, and one in each to act as clerk, and one in each to act as sheriff of the election of circuit court clerk, county court clerk, a sheriff, an assessor, a surveyor, jailer, coroner, county attorney, and presiding judge of the county court for the county aforesaid, and two justices of the peace and one constable in each district for said county of Robertson, which election shall be held on the first Monday in August, 1867. The judges,

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clerks, and sheriffs appointed by the commissioners aforesaid in each district to hold said election, before entering on their duties as such, shall take an oath faithfully and impartially to discharge the duties imposed upon them by this act. Those who may act as sheriffs as aforesaid shall meet at the house of William Paul, in the town of Mt. Olivet, on the second day after the election, and, after carefully comparing the polls, shall sign two certificates of election, designating the name of each person having the highest number of votes, and the office to which he is elected; one of which shall be lodged in the hands of John D. Gaugh, who shall cause the same to be recorded in the county court clerk's office of said county of Robertson; the other they shall forthwith transmit to the Secretary of State, to be filed and carefully preserved in his office; whereupon said Secretary shall forthwith cause commissions to be issued to the several officers certified to be elected, who, before entering upon the duties of their respective offices, shall take an oath, as required by law, and shall execute bond according to existing laws in reference to similar officers; and thereupon their official acts shall be obligatory to all intents and purposes, when done in accordance with the Constitution and laws of the State. They shall hold their offices until the next regular election of like officers, and until their successors are elected and qualified. That until all the officers elected for the new county aforesaid are commissioned, sworn, and qualified, the counties of Nicholas, Mason, Bracken, and Harrison shall have jurisdiction, as though this act had not passed.

§ 4. That the county court of said county of Robertson shall meet on the third Monday in each month, a majority of the justices concurring; shall have power to appoint commissioners to purchase or accept (if donated) the lots or parcels of ground selected by them, the commissioners, for the purpose of erecting thereon county buildings, and cause a deed or deeds to be made for the same to said county of Robertson; said county court aforesaid, a majority of the justices concurring, shall have power to assess and levy a tax on each tithe now subject to county levies within said county, a capitation tax not exceeding two dollars per tithe in any one year, and an *ad valorem* tax upon all property now subject to taxation for State revenue, any sum not exceeding ten cents in any one year upon each one hundred dollars' worth of property in said county, for the purpose of raising the means necessary for the purchase of the public grounds and the erection of a court-house and other public buildings thereon; said commissioners may also be empowered by the county court to draft plans and specifications, let out and superintend the erection of the public buildings aforesaid; and, until the public build-

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ings aforesaid are erected, said county court of Robertson shall have power to provide suitable rooms for the clerks' offices, and for the holding of the county and circuit courts.

§ 5. That John Riggs, John D. Gaugh, and Aaron Owens be, and they are hereby, appointed commissioners, with power to employ such assistants as they may need, to run and mark the boundary line of said county of Robertson, agreeably to the boundary designated by the first section of this act; and that said commissioners shall make, or cause to be made, five plats of said county, one of which they shall deposit with the clerk of the county court of Robertson, and transmit one to each of the county court clerks of Nicholas, Mason, Bracken, and Harrison counties, in order that the same may be recorded in each of the counties aforesaid. The county court of Robertson shall make an allowance to compensate said commissioners and those in their employ.

§ 6. The said county of Robertson shall have the use of the Harrison county jail, when needed, until the county court of said new county shall have erected and completed a jail of their own.

§ 7. That, after the organization of said county of Robertson, the Secretary of State shall furnish to the officers of said county the same books that are by law required to be furnished to the officers of other counties of this State.

§ 8. That nothing in this act shall be construed so as to release the citizens and property now subject, or which may hereafter become subject, to taxation within the boundary of Bracken county, included in the first section of this act, from being held and made liable for the sum of five hundred dollars annually, for four years, until they shall have paid the sum of two thousand dollars to Bracken county. And it shall be the duty of the county court of Robertson county to assess, collect, and pay over to the county treasurer of Bracken county, or to such person as the county court of said county may designate, said sum of five hundred dollars annually, until said two thousand dollars is paid.

§ 9. The said county of Robertson, when organized in pursuance with the provisions of this act, shall be attached to and constituted a part of the 9th judicial district, and the circuit and criminal courts therein shall be held at the following times, to-wit: The circuit court, on the Tuesday succeeding the fourth Monday in January, and the Tuesday succeeding the third Monday in July, in each year, and continue five juridical days each, if the business shall require it. The criminal court for said county shall commence on the Tuesday succeeding the fourth Monday in February, and the Tuesday succeeding the second Monday

in August, in each year, and continue five juridical days each, if the business shall require it.

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§ 10. The quarterly courts for said county of Robertson shall be held on the first Monday in October, January, April, and July.

§ 11. That, in case any election shall be ordered in this State, or shall occur under the general law as now in force, at any time before the organization of said county is completed, as hereinbefore provided, the several parts of said county shall vote with the counties to which they severally belonged prior to the passage of this act. And the persons selected by the commissioners appointed under this act to conduct the election for county officers shall also conduct the election for State officers in August, 1867, and properly certify the vote of said county, and perform, with respect to said election for State officers, all the duties required of them in respect to said election for county officers: *Provided*, That N. A. Tilton be, and he is hereby, authorized and directed to meet with the sheriffs of such other county or counties as may be united with the county of Robertson in a Representative or Senatorial District, and shall act with said sheriffs in the same manner as if he were in fact and in law the sheriff of said county of Robertson.

§ 12. The said county of Robertson, when organized, shall be attached to and constitute a part of the Sixth Congressional District until otherwise directed by law.

Approved February 11, 1867.

CHAPTER 1362.

AN ACT to amend the 48th chapter of the Revised Statutes, title "Idiots and Lunatics."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Jefferson circuit court and city court of Louisville, shall have jurisdiction to hold and try inquisitions of idiocy, lunacy, or unsound mind, according to the provisions of the 48th chapter of the Revised Statutes; and the city attorney of Louisville shall, in said city court, perform the duties in said court in such inquests which are required by laws of Commonwealth attorneys in circuit courts. 2 R. S..

§ 2. This act shall take effect from its passage.

Approved February 13, 1867.

1867.

CHAPTER 1407.

AN ACT to authorize Common Carriers to sell property to pay charges in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notice to be given to consignee or owner—how and in what time.

§ 1. That common carriers within this Commonwealth shall, on receipt of property in their ware-houses, depots, or stations at the place of consignment, or within thirty days thereafter, notify the owner or consignee, by written notice to the consignee, if in the same city or town, and by letter if not in the same city or town, and the consignee's place of business is not known, and by public advertisement in some newspaper published in the city or town if his place of business is unknown (provided such property is plainly marked with the name of the owner or consignee, and his place of residence), that such property is held by them subject to charges.

When common carrier may sell, and how.

§ 2. That if such owner or consignee shall neglect to call, pay the charges, and take the property away within six months from the time such notice shall have been given, as required by section one of this act, then such common carrier may sell said property to the highest bidder at auction, by advertising in one of the papers published in the county, by at least three weekly insertions: *Provided*, If there be no paper published in such county, then the advertisement shall be in that paper published nearest the place to which the property was consigned.

Proceeds of sale—how disposed of.

§ 3. That all money so received from the sale of such property, after deducting charges and other expenses, shall be held by such common carrier for one year from the day of the sale of such property, for the benefit and use of the owner; and if not called for in that time, it shall be paid into the treasury of this Commonwealth within thirty days thereafter.

Inventory to be made before sale.

§ 4. That before any property shall be sold under the provisions of this act, it shall be the duty of the common carrier having it in possession to cause an accurate inventory of each article or package to be made, which, together with the name and address of the owner or consignee, his place of residence, if marked on the package, and the date of its receipt, shall be entered in a book to be kept for that purpose.

Duty of auctioneer.

§ 5. That whenever any such property is sold, it shall be the duty of the common carrier having the sale made to cause a copy of the inventory required by the fourth section of this act to be delivered to the auctioneer or other person making the sale, and it shall be the duty of the person making the sale to enter on such inventory the price for which each article or package shall sell, and to make oath before some officer authorized by law that it

is correct, and then to return it to the person or corporation from which it was received.

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§ 6. That whenever any money shall be paid into the Treasury on account of sales made under the provisions of this act, it shall be the duty of the person or corporation paying it in to deliver to the Auditor of Public Accounts, to be by him entered in a book to be kept for that purpose, a copy of the inventory and sale returned by the auctioneer or other person making the sale.

When money is paid into Treasury inventory to be filed with Auditor, and recorded with report of sale.

§ 7. If at any time within one year after the payment of said money into the Treasury, any claimant of any portion of said money shall prove his or her title to the same to the satisfaction of said Auditor, by testimony reduced to writing and filed in his office, it shall be the duty of said Auditor to draw his warrant upon the Treasurer for the amount so proven; and all money remaining unclaimed shall, at the expiration of said period of one year, be transferred to the credit of the Common School Fund of this Commonwealth.

When claimant of money must assert his right.

Disposition of unclaimed proceeds of sale.

§ 8. This act to take effect from its passage.

Approved February 15, 1867.

CHAPTER 1421.

AN ACT relating to the fees of Surveyors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to fix the fees of surveyors," approved February 25, 1865, be, and the same is, continued in force two years from the 25th day of February, 1867.

Myers, 515.

§ 2. This act shall go into effect on its passage.

Approved February 16, 1867.

CHAPTER 1427.

AN ACT to extend the terms of the Garrard Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the Garrard circuit court shall be as now provided, except that it shall hereafter continue for eighteen juridical days instead of twelve as heretofore, if the business of the court should require it.

Myers, 142.

§ 2. This act to take effect from and after June 1st, 1867.

Approved February 16, 1867.

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CHAPTER 1429.

AN ACT regulating the June terms of the Caldwell and Lyon Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 140. § 1. That the June term of the Caldwell circuit court shall continue twenty-four juridical days, if the business of the court require it.

Myers, 140. § 2. That the June term of the Lyon circuit court shall commence on the fourth Monday after the commencement of the June term of the Caldwell circuit court, and shall be known and designated as the June term of the Lyon circuit court.

§ 3. That all recognizances and process of every description, returnable to the June term of the Lyon circuit court as now fixed by law, shall stand and be made returnable to the June term of said court as fixed by this act.

§ 4. This act shall be in force from its passage.

Approved February 16, 1867.

CHAPTER 1430.

AN ACT to change the time and extend the terms of the Casey Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 142. § 1. That the time for holding the Casey circuit courts shall hereafter commence on the third Mondays in April and October, and continue twelve juridical days, instead of six as now.

§ 2. This act to take effect from and after June 1st, 1867.

Approved February 16, 1867.

CHAPTER 1434.

AN ACT in relation to the election of Members to the Fortieth Congress.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Election 4th May. § 1. That an election shall be held in each Congressional District of this Commonwealth, on the 4th day of May next, to elect members to the Fortieth Congress of the United States.

Officers to conduct election. § 2. That the officers of election appointed by the various county courts of this Commonwealth to hold elections in each election district for justices of the peace and constable as now provided by law, shall constitute the officers to hold said election for Congressmen; and that all the laws now in force in regard to general elections shall be,

and the same are hereby, applied to said election of Congressmen.

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§ 3. That if, prior to the fourth Monday after said election, the returns shall be all in for any one or more districts, it shall be the duty of the board for examining the returns of said election, to immediately examine the same for such districts, and thereupon to issue the certificates as required by law.

Company
returns.

§ 4. That it shall be the duty of the Governor to cause this act to be printed and a copy thereof forwarded to each county judge, county clerk, and sheriff in this State.

§ 5. That an act, entitled "An act in relation to the election of members to the Fortieth Congress," approved 5th February, 1867, be, and the same is hereby, repealed.

Repeals act of
Feb. 5, 1867.

§ 6. That this act shall be in force from its passage.

Approved February 18, 1867.

CHAPTER 1471.

AN ACT concerning the Quarter-Master General.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of the Quarter-Master General be, and the same is hereby, continued on the same footing as provided for in an act, entitled "An act to amend an act, entitled 'An act to organize and discipline the militia of Kentucky,' approved February 16th, 1866," for the term of one year from and after the expiration of the same, according to the provisions of section 4 of said act.

Myers. 732.

§ 2. That the Quarter-Master General shall hereafter receive two thousand four hundred dollars (\$2,400) as his official salary, and be allowed two clerks, the salaries of whom shall be, one at twelve hundred dollars (\$1,200), and the other at one thousand dollars (\$1,000) per annum.

Salaries.

§ 3. This act to take effect from and after the 16th day of February, 1867.

Approved February 20, 1867.

CHAPTER 1472.

AN ACT to provide for paying the Adjutant General and the Clerks of his office salaries for the year commencing February 17th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the 17th day of February, 1867, the Adjutant General shall receive an annual salary of \$2,400, payable monthly, as his salary is now paid by law, to be paid in currency, such as legal tender money, and

Salary.

LAWS OF KENTUCKY.

1867.

No fees to be charged.

2d vol. Military History of Kentucky.

that in which the public dues to the Commonwealth are received, and in like currency the clerk's will be paid: *Provided, however,* No fee shall be charged by the Adjutant General for any information furnished from the public records on file in his office, nor for any certificate thereof.

§ 2. That the Adjutant General be, and he is hereby, required to push forward to completion the second volume of the report upon which he is now engaged, known as the "Report of Kentucky Officers and Soldiers during the late War," and also all other unfinished business in his office, at as early a date as possible, with a view to having the office placed upon a peace footing; and, in order that the same may be done, the sum of \$6,000, or so much thereof as may be necessary, is hereby appropriated with which to employ the necessary clerks, the same to be paid monthly under the same regulations as are now used in the Auditor's Office.

§ 3. This act to take effect from and after the 17th day of February, 1867, and remain in force for one year.

Approved February 21, 1867.

CHAPTER 1473.

AN ACT to give County Judges jurisdiction in riots, routs, and breaches of the peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 403.
Myers' Code.
808.

§ 1. That the county judges of this Commonwealth shall have concurrent jurisdiction with that of justices of the peace in all cases of riots, routs, and breaches of the peace.

§ 2. This act to be in force from its passage.

[This bill the Governor not being able to approve, having vetoed two others having the same principle, is permitted to become a law by the lapse of ten days.]

CHAPTER 1481.

AN ACT to increase the salary of the Governor of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salary.

§ 1. That the Governor of this Commonwealth shall receive as compensation for his services four thousand dollars annual salary, to be paid quarterly out of the Treasury.

§ 2. This act shall take effect and be of force from and after the qualification of the Governor elected at the next election.

Approved February 27, 1867.

CHAPTER 1531.

1867.

AN ACT to reduce toll on Hay on the Kentucky River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the rates of toll on hay on the Kentucky river shall not exceed one cent per hundred pounds per lock, any rates that are now, or which may hereafter be fixed by the Board of Internal Improvement, to the contrary notwithstanding.

Toll on hay on Kentucky river one cent per 100 pounds.

§ 2. That all acts or parts of acts contrary to the provisions of this act be, and the same are hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved February 27, 1867.

CHAPTER 1553.

AN ACT to establish the County of Josh Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, from and after the 1st day of August, 1867, all the parts of Harlan and Knox counties lying within and included in the following boundary shall be, and the same is hereby, stricken from said counties and erected into a district or county, to be called and known as the county of Josh Bell, to-wit: Beginning at the Narrows on Cumberland river, in Harlan county, about one mile above C. J. Callaway's; thence crossing said river and running on the dividing ridge between William G. Howard and William S. Howard, crossing Puckett's creek about half way between John W. Slusher's and Samuel Creech's; thence up the dividing ridge between the Pond Mill branch and Bond branch; thence with the same ridge dividing Puckett's creek and Browning's creek to the head of James Howard, sr.'s, Mill creek; thence straight to Browning's creek, at the lower end of Isaac Ely's old farm; thence a straight line south to the Virginia line on the top of Cumberland Mountain; thence with the Virginia and Kentucky line to the Tennessee line at Cumberland Gap; thence with the Kentucky and Tennessee line to the Whitley county line; thence with the line between Whitley and Knox counties to the head of Clear creek; thence with the dividing ridge between Turkey creek and Greasy creek to Cumberland river, in Knox county, so as to include the Reuben Hendrickson farm; thence crossing the river to the top of the ridge west of Four Mile creek; thence with said ridge to Mulberry Gap; thence with dividing ridge between Stinking and Straight creeks to the Clay county line; thence with the line between Clay and Harlan coun-

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ties to the head of Big Run; thence down Big Run with its meanders to Straight creek; thence a straight line to the beginning.

§ 2. That the seat of justice in said county shall be located at some point on or near Cumberland river in said new county, to be designated by the commissioners hereinafter appointed, and to be called Pineville.

§ 3. That the county of Josh Bell shall be laid off into six districts for the election of justices of the peace and constables, and there shall be elected two justices of the peace and one constable in each district; said districts shall also be election precincts. James W. Culton, Henry Pursefull, Jonathan Parton, N. B. Campbell, and Levi Wilder are appointed commissioners, who, or a majority of whom, after taking an oath faithfully and impartially to discharge their duties, shall lay off said districts and designate the place of voting in each; said commissioners shall meet at R. Moss's, near the Cumberland ford, on the second Monday in May, 1867, or as soon thereafter as may be, and proceed to discharge the duties imposed on them by this act; they may adjourn from time to time and place to place, until their duties hereby enjoined are completed; they shall lodge a certified copy of the boundaries of said districts in the hands of Carlo B. Brittain, whose duty it shall be to hold it in safe-keeping until there shall be an election of county court clerk in said county of Josh Bell, and then he shall deliver it to said clerk, who shall file and record the same in his office; and they shall forthwith transmit a copy of the same to the Secretary of State, who shall preserve the same in his office; said commissioners shall also designate two suitable persons to act as judges in each district, one as clerk and one as sheriff in each district, of the election of circuit court clerk, county court clerk, a sheriff, an assessor, a surveyor, jailer, coroner, county attorney, and presiding judge of the county court for the county aforesaid, and two justices of the peace and one constable in each district for said county of Josh Bell, which election shall be held on the first Monday in August, 1867. The judges, clerks, and sheriffs appointed by the commissioners aforesaid in each district to hold said election, before entering on their duties as such, shall take an oath faithfully and impartially to discharge the duties imposed on them by this act. Those who act as sheriffs as aforesaid, shall meet at the house of R. Moss on the second day after the election, and, after comparing the polls, shall sign two certificates of election, designating the name of each person having the highest number of votes, and the office to which he is elected; one of which shall be lodged with C. B. Brittain, who shall cause the same to be recorded in the county

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court clerk's office of said county of Josh Bell; the other they shall forthwith transmit to the Secretary of State to be filed and preserved in his office; whereupon said Secretary shall forthwith cause commissions to be issued to the several officers certified to be elected, who, before entering upon the duties of their respective offices, shall take an oath, as required by law, and shall execute bond according to existing laws in reference to similar offices; and thereupon their official acts shall be obligatory to all intents and purposes, when done in accordance with the laws and constitution of the State of Kentucky; they shall hold their offices until the next regular election of like officers, and until their successors are elected and qualified. That until all the officers elected for the new county aforesaid are commissioned, sworn, and qualified, the counties of Knox and Harlan shall have jurisdiction as though the act had not passed.

§ 4. That the county court of said county of Josh Bell shall meet on the second Monday in each month except the months in which circuit court is held in said county. The county court of said county, a majority of the justices concurring, shall have power to appoint commissioners to purchase or accept (if donated) the lots or parcels of ground selected by the commissioners hereinafter named, to locate the seat of justice for the purpose of erecting thereon county buildings, and cause a deed or deeds to be made for the same to said county of Josh Bell; said county court aforesaid, a majority of the justices concurring, shall have power to assess and levy a tax on each tithe now subject to county levies within said county, a capitation tax not exceeding two dollars and fifty cents per tithe in any one year, and an ad valorem tax upon all property now subject to taxation for State revenue, any sum not exceeding twenty cents in any one year upon each one hundred dollars' worth of property in said county, for the purpose of raising the means necessary for the purchase of the public grounds and the erection of a court-house and other public buildings thereon; said commissioners may also be empowered by the county court to draft plans and specifications, let out and superintend the erection of the public buildings aforesaid; and until the public buildings are erected in said county, the county court of said county shall provide suitable rooms for the clerks' offices, and for the holding of the county and circuit courts.

§ 5. That Isaac Dean, Robert Howard, and William North be, and they are hereby, appointed commissioners, with power to employ such assistants as they may need, to run and mark the boundary line of said county of Josh Bell, agreeably to the boundry designated by the first section of

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this act; and said commissioners shall make or cause to be made three plats of said county, one of which they shall deposit with the clerk of the county court of Josh Bell, and transmit one to the county court clerk of Harlan, and one to the county court clerk of Knox, in order that the same may be recorded in each of the counties aforesaid. The county court of Josh Bell shall make an allowance to compensate said commissioners and those in their employ.

§ 6. That said county of Josh Bell shall have the use of the Knox county jail, when needed, until the county court of said county shall have erected and completed a jail of their own.

§ 7. That after the organization of said county of Josh Bell, the Secretary of State shall furnish to the officers of said county the same books that are by law required to be furnished to the officers of other counties of this Commonwealth.

§ 8. That William McDaniel, of Clay county; John Ward, of Knox county, and Green Jones, of Harlan county, be, and they are hereby, appointed commissioners to locate the seat of justice of Josh Bell county; that for the purpose of accomplishing same, they shall meet at Cumberland ford on the first Saturday in April, 1867, with power to adjourn from time to time, and from place to place, until their duty is performed; they shall lay off a square of not less than two acres for the public buildings by metes and bounds, a copy of which they will deliver to C. B. Brittain, who will keep same until the election and qualification of a county clerk of said county, to whom he will deliver the same, to be filed and recorded in the county court clerk's office of said county; that, before entering on their duties, they shall take an oath faithfully and impartially to perform the duty hereby imposed; a majority of said commissioners can act.

§ 9. This act to take effect from its passage.

Approved February 28, 1867.

CHAPTER 1541.

AN ACT to amend an act, entitled "An act to establish the County of Robertson," approved February the 11th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County of
Robertson, line
changed.

§ 1. That an act, entitled "An act to establish the county of Robertson," approved February the 11th, 1867, be so amended that from a point in the center of the Augusta and Claysville turnpike road, where the line between the counties of Harrison and Bracken crosses said pike, the old road leading from Claysville to Germantown shall be

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the boundary line between the counties of Bracken and Robertson to J. B. Truax's, and with the road to the North Fork of Licking river at Santa Fe, instead of the said turnpike road from said point to the North Fork of Licking river, as provided in said act. And the commissioners authorized to run and mark the boundary line of said county of Robertson, are hereby directed to make the line in accordance with this act.

§ 2. This act shall take effect from its passage.

Approved February 27, 1867.

CHAPTER 1560.

AN ACT to amend an act, entitled "An act to establish a Claim Agency in the City of Washington."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act to establish a Claim Agency in the City of Washington," be continued in force for one year from and after the 27th day of February, 1867.

State Agent.
Myers, 16.

§ 2. This act to take effect from its passage.

Approved February 28, 1867.

CHAPTER 1561.

AN ACT to quiet all disturbances growing out of the late rebellion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no officer, soldier, or sailor of the United States, or of the so-called Confederate States, and no person acting in conjunction or co-operating with any one of them, or with the authorities of either government, shall be held responsible, criminally or civilly, in the courts of this State, for any act done during the late rebellion by compulsion of, and under color of, military authority.

When officers
and soldiers are
not responsible
for certain acts.

§ 2. That, for the purposes of this act, the rebellion shall be deemed to have commenced on the 1st day of May, A. D. 1861, and to have terminated on the 1st day of October, 1865.

When rebel-
lion commenced
and ended.

§ 3. That nothing in this act shall preclude the maintaining an action for the recovery of money or property illegally or wrongfully taken, though taken under color of military authority, where the money or property is in the hands of the person who took the same, or of one claiming under him, or has been disposed of for his own personal

Excepted
cases.

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Amount of
recovery.
Purpose of act.

benefit. But no recovery shall be had beyond the money or property so taken, or its value.

§ 4. That it is not intended by this act to declare that the rebellion was justifiable or proper, or that all acts done under color of the military authorities of the United States were right, but that, for the purpose of giving tranquility to the State, a general amnesty is given so far, that redress for wrongs done under color of authority of one or the other Government shall not be given by the municipal courts of this State.

Approved February 28, 1867.

CHAPTER 1562.

AN ACT to appropriate money and provide for the erection of additional buildings at the Eastern Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Additional
buildings to be
erected.

§ 1. That the Managers and Superintendent of the Eastern Lunatic Asylum be, and they are hereby, authorized and directed to erect an additional building on the grounds of said asylum, and near to the present main building, which will be capable of receiving and accommodating two hundred and fifty additional white patients, and enlarge a detached building on said grounds, now used for incurables, so as to be capable of receiving and accommodating seventy negro patients. The said buildings shall be finished in a plain and substantial manner, without ornament, but with conveniences of the best and most durable character.

Amount ap-
propriated.

§ 2. That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars, to pay for the erection and completion of said buildings; and the Managers and Superintendent are expressly directed not to exceed said appropriation in the complete finishing of the same: *Provided*, That the money hereby appropriated, shall be paid in the currency in general use in the country.

When paid.

§ 3. That the amount so appropriated shall be paid to the Treasurer of said asylum as the same shall be needed, to pay for work and materials on said buildings, upon orders for that purpose, signed by the Chairman of the Managers and Superintendent, and filed in the Auditor's Office; the sums so received by the Treasurer shall be paid out for work and materials upon the orders of the Chairman of the Managers and Superintendent, or the one or the other of them, as the Board of Managers shall direct; and said Treasurer shall keep an accurate account of such receipts and payments, supported by vouchers, which shall

Account to be
kept.

be quarterly examined, corrected, and certified by the Managers, and filed and audited in the Auditor's Office in the same manner as the other accounts of the Treasurer.

1867.

Approved February 28, 1867.

CHAPTER 1571.

AN ACT to prohibit the importation and sale of Texas Cattle in this Commonwealth.

WHEREAS, It appears to this General Assembly that cattle imported into this State from the State of Texas spread among our native herds a dangerous and fatal disease; now, therefore, for the purpose of preventing the introduction and spread of this disease,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, after this act takes effect, during the time between the first day of March and the first day of November in any year, to import into this State, from any other State, any of that breed or kind of cattle known as Texas cattle; and it shall also be unlawful, after the first day of October, 1867, for any person to buy or sell any such cattle within the limits of this State, or to drive them from one point to another, over the public highways; and any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and shall be subject to a penalty of not less than five hundred dollars, nor more than five thousand dollars: *Provided, however,* That the prohibition of sales and transit of cattle in this section shall not be held to apply to cattle imported into this State between the first day of November and the first day of March, at any time hereafter.

Texas cattle not to be imported or bought between certain periods.

Penalty.

§ 2. A warrant for the arrest of any person charged with importing Texas cattle into this State may be issued by any magistrate of any county in which said person may be found. A warrant for any other violation of this act must be issued in the county in which the offense is charged to have been committed. The magistrate issuing a warrant for a violation of this act shall, after a preliminary trial, if reasonable grounds of guilt be made to appear, hold the defendant to bail in a sum not less than five hundred dollars for his appearance at the first term of the circuit or criminal court of the county in which the warrant was issued (which court shall have jurisdiction to try him for the offense), to answer to any indictment that may be found against him; and in default of bail, the magistrate shall commit the defendant to the county jail: *Pro-*

How prosecution to be had.

1867.
Wabash Island
excepted.

vided, That Wabash Island be excepted from the operations of this act.

§ 3. This act shall take effect from its passage.

Approved February 28, 1867.

CHAPTER 1587.

AN ACT to amend section twenty-seven, chapter eighty-four, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ R. S., 291.
Compensation
for use of wheel
carriages, &c.,
on county roads
to be fixed by
county court.

§ 1. That section twenty-seven, chapter eighty-four, of the Revised Statutes, be, and the same is hereby, amended as follows: That it shall be the duty of the several county courts of this Commonwealth, at their court of claims in each year, to fix the amount that the surveyors of roads in their respective counties shall pay per day, for the use of any wheel carriage, plow, draft horse, oxen, or such other things as he is now authorized by law to employ for the use of the road.

§ 2. This act to be in force from its passage.

Approved February 28, 1867.

CHAPTER 1604.

AN ACT to regulate Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock.

§ 1. That all stock insurance companies incorporated by this State shall have, before commencing business, at least one hundred thousand dollars of the capital stock subscribed and ten thousand dollars actually paid into the treasury of the company, or secured in part in stock notes of solvent persons or corporations, and balance in cash.

Mutual com-
panies, pre-
miums, &c.

§ 2. That all mutual insurance companies organized in this State, before commencing business, shall have made arrangements with applicants for insurance, the premiums on which shall amount to not less than forty thousand dollars, or that sum paid in money into the treasury of the company, or secured by solvent guarantee or premium notes, of which sum ten thousand dollars shall be cash paid to the treasury of the company, or guarantee notes convertible into cash immediately. The premium notes representing said thirty thousand dollars, or any part thereof, shall be founded upon actual and *bona fide* applications for insurance.

§ 3. No one of the premium notes named in the second section shall amount to more than five hundred dollars, or be given for the same risk, or be made by the same person or corporation or firm, except when the whole amount of such notes shall not exceed five hundred dollars; nor shall any such note be represented as capital stock, unless a policy be issued upon the same, upon a risk which shall not be for a shorter period than six months, and payable in part or in whole at any time the directors may deem requisite and necessary for the payment of losses, and such expenses necessary for transacting the business of the company. And no such note shall be accepted as part of the capital stock, unless it is shown that the person or corporation making such note is pecuniarily good and solvent, and able to pay the same.

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Amount of premium notes and when such notes are to be represented as capital stock.

§ 4. That when the president, secretary, or treasurer of any of said stock or mutual insurance company shall have filed with the Auditor of Public Accounts a statement, under oath, that the provisions of this act respecting such corporation have been complied with, he shall issue to said company license to transact business within the State.

License not to issue until statement is filed.

§ 5. That any officer or other person connected with any of said companies, who shall transact any insurance business contrary to any of the provisions of this act, shall, for each offense, be subject to a fine of not less than fifty nor more than one hundred dollars, to be recovered by indictment before the circuit court of the county where the offense is committed.

Penalty for doing business against this act.

§ 6. The provisions of this act shall apply to all insurance companies heretofore incorporated by acts of the Legislature of this State, which have not commenced business under their charters; and companies heretofore chartered shall have until the 1st January, 1868, to comply with the provisions of this act.

To what companies this act applies.

§ 7. That the reports required by the fourth section shall be made annually on the 1st day of January or July.

Reports.

§ 8. That mutual and stock insurance companies, doing business under a charter from the Legislature of this State, shall be taxed upon their cash capital, accumulations, and surplus funds, and not upon their premium notes or stock notes; and the rate of taxation for stock and mutual insurance companies shall be the same as real estate is taxed.

§ 9. This act shall take effect from its passage.

Approved March 2, 1867.

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CHAPTER 1605.

AN ACT to supply the Clerk of the Court of Appeals with books.

WHEREAS, The books distributed to the Clerk of the Court of Appeals were lost in the destruction of the clerk's office by fire; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Certain books
to be placed in
office of Clerk
of Court of
Appeals.

§ 1. That the Secretary of State procure and cause to be placed in the office of the clerk of said court the Acts of the General Assembly, Reports and Digests of the Decisions of said Court, Digests and Revisions of the Statute Law, Codes of Practice, and such other books as by chapter 61 of the Revised Statutes and subsequent acts are allowed to public officers. As many of these publications as, in the opinion of the judges of the court of appeals, can be spared, may be transferred from the State Library: *Provided*, That at least two complete sets of Decisions and Acts, and one set of Journals, shall be retained in the Library.

§ 2. The clerk shall procure a suitable book-case for these books, and not permit them to leave his office, except for the use of the court.

§ 3. The cost of such of the books as may be purchased, and of the book-case, shall be paid out of the Treasury, upon the warrant of the Auditor, who will issue the same upon the presentation of the accounts certified by the Secretary of State and approved by the Governor.

§ 4. Nothing in this act shall be construed to authorize the purchase of any of said books except the Reports and Digests of Decisions.

§ 5. This act shall take effect on its passage.

Approved March 2, 1867.

CHAPTER 1627.

AN ACT requiring real estate to be listed and the taxes paid in the county where it is situated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where real
estate is to be
listed.

§ 1. It shall be the duty of county assessors hereafter to list for taxation all real estate in their respective counties subject to taxation for State or county purposes; and where a tract of land is situated in two counties, the same shall be listed in the county where the largest number of acres shall lie, or in that county which the owner resides.

Non-residents'
lands.

§ 2. The assessors shall, in like manner; list non-residents' lands in their respective counties, and assess the value thereon, including improvements, without reference

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to the validity of title, which shall be subject to supervision by the county supervisors as other assessments are.

§ 3. Taxes on non-residents' lands shall be collected and accounted for by the sheriffs of the several counties, as other taxes are by law required to be collected and accounted for. The sheriff of each county shall, on or before the 15th day of January in each year, return to the Auditor a complete list of all taxes in his county due upon the lands of non-residents, and such non-residents shall have until the 1st day of May following the right to pay the same to the Auditor, and if not then paid, the Auditor shall notify the sheriff of that fact, and it shall be the duty of the sheriff to advertise the same at the court-house door of his county for at least one month, stating the amount of the tax due, with fifty per cent. for the first year, and one hundred for cent. for the second year, added as a penalty for failure to pay the same, and ten per cent. on the whole amount for his costs; and if the amount of tax, penalty, and costs due on each tract be not paid by the time specified, the sheriff shall certify the same to the Auditor, whose duty it shall be to record the same in a book to be kept for that purpose, and file the original away in his office; and the title to said lands shall thereby vest in the Commonwealth, and the said certificate, or a copy certified by the Auditor, shall be taken as evidence that the law was complied with.

Taxes on non-residents' land, how collected and accounted for.

Sale of such land for taxes.

§ 4. Any tract of land forfeited by this act may be redeemed by the owner, or any person for him, within two years from the day of such forfeiture, by the payment of the amount due and one hundred per cent. addition, to be paid to the Auditor of Public Accounts, who shall give a certificate of redemption: *Provided*, That infants, idiots, lunatics, and feme coverts shall have five years to redeem their land forfeited for taxes after the forfeiture, upon paying the tax on their land, with twenty (20) per centum per annum thereon.

How and when forfeited lands may be redeemed.

§ 5. Whenever any tract shall be redeemed, it shall be the duty of the said Auditor to certify the same to his agent for said county, whose duty it shall be to notify the assessor, that the same may be assessed the next year.

Redeemed land to be certified.

§ 6. That article 11, of the Revised Statutes, title "Tax on the lands of non-residents," be, and the same is hereby, repealed.

2 R. S., 267. Myers, 409.

§ 7. This act to take effect from its passage.

Approved March 2, 1867.

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CHAPTER 1636.

AN ACT to authorize a special Equity and Criminal Term of the Shelby Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Special term
in April, 1867.

§ 1. That the judge of the Shelby circuit court is hereby authorized and directed to hold a special term of said court, commencing on the (4th) fourth Monday in April, 1867, for the trial of equity and criminal and penal cases, and grand and petit jurors shall be summoned thereunto and empaneled at said term as at other terms of said court; said court to continue six days if necessary to dispose of the business. All equity and criminal process and subpoenas, bail bonds, and recognizances, not returnable to the regular March term, 1867, shall be returnable to said special term. Indictments may be found, criminal cases may be tried, and equity causes heard and determined, as at the regular terms of said court.

§ 2. This act shall be in force from its passage.

Approved March 2, 1867.

CHAPTER 1655.

AN ACT to reduce the tax in aid of the Sinking Fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 474.

§ 1. That section four of an act, entitled "An act to amend an act, entitled 'An act for the regulation of the militia and to provide for the arming of the State, and also to provide further for the public defense,' approved September 25th, 1861;" and section six of an act, entitled "An act to provide funds for paying troops for defense of the State," approved February 18th, 1864; and section two of an act, entitled "An act amendatory of the act, entitled 'An act to empower the Governor to raise a force for the defense of the State,' approved June 2d, 1865," be, and the same are hereby, repealed.

Myers, 478.

Myers, 479.

§ 2. This act to be in force from its passage.

Approved March 2, 1867.

The act of September 15th, 1861, authorized a loan of \$1,000,000, and the section repealed is as follows:

"§ 4. That for the purpose of providing means for the payment of the debts created by the State under the provisions of this and the act to which this is an amendment, and the accruing interest thereon, an additional tax, in aid of the sinking fund, commencing with the year 1862, of five cents upon each one hundred dollars of value of the real and personal estate directed by law to be assessed for

taxation, shall annually be paid by the persons assessed, and which shall be collected and paid into the public treasury in the same manner the other revenue of the state is by law required to be collected and paid."

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The act of June 2d, 1865, amended the act of February 18th, 1864, so far as to restrict the amount to be borrowed to such sum only as would be necessary to pay off the (then) present indebtedness of the State arising under that act, and such other sums as would be necessary to pay off the troops then in the service under the provisions of the act entitled "An act empowering the Governor to raise a force for the defense of the State," approved January 26th, 1864. Section 2 of the act of June, 1865, is as follows:

"§ 2. That so much of the act to which this is an amendment, as levies a tax of ten cents upon each one hundred dollars of taxable property in the Commonwealth, be, and the same is hereby, so altered and amended as to authorize the levying and collecting of five cents only upon each one hundred dollars' worth of taxable property in the Commonwealth."

CHAPTER 1656.

AN ACT to erect Monuments over the graves of the late Governors Letcher and Crittenden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. H. Taylor, J. B. Temple, A. J. James, Philip Swigert, and John Mason Brown, be, and they are hereby, appointed commissioners, with authority to contract for the erection of monuments over or near the graves of the late Governors John J. Crittenden and Robert P. Letcher, in the Frankfort Cemetery.

Commissioners.

Monuments
to John J. Crittenden and R. P. Letcher.

§ 2. That said commissioners, before contracting for said monuments, shall advertise for proposals and plans for the same.

Proposals.

§ 3. That when said monuments shall have been erected according to contract, and the same certified to the Auditor of Public Accounts, it shall be his duty to issue his warrant upon the Treasurer for an amount not exceeding three thousand dollars, which amount is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Amount appropriated.

§ 4. This act to take effect from its passage.

Approved March 2, 1867.

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CHAPTER 1657.

AN ACT to erect a Monument over the Grave of the late Governor William Owsley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Monument to
Wm. Owsley.

§ 1. That the commissioners heretofore appointed by the act to cause to be erected monuments over the graves of the late Governors Crittenden and Letcher, be in like manner directed to erect one over the grave of the late Governor, William Owsley.

Amount ap-
propriated.

§ 2. That the sum of fifteen hundred dollars is hereby appropriated for said purpose; and when the same shall be erected and certified to the Auditor of Public Accounts, he shall draw his warrant in favor of said commissioners on the Treasurer, who is directed to pay the same.

§ 3. This act to take effect from its passage.

Approved March 2, 1867.

CHAPTER 1658.

AN ACT to continue in force the laws in relation to the Agent of the Auditor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Laws in rela-
tion to Audit-
or's Agent ex-
tended three
years.

§ 1. That all laws and parts of laws in relation to the Agent of the Auditor be, and the same are hereby, continued in force for three years from and after the passage of this act.

§ 2. That this act take effect from its passage.

Approved March 2, 1867.

CHAPTER 1661.

AN ACT to amend Chapter 34 of the Revised Statutes, title "Escheats and Escheators."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Those hereto-
fore slaves to
inherit real
estate in cer-
tain class of
cases.

§ 1. That whenever any free person of color shall have heretofore died intestate, and the persons who would otherwise have inherited the estate of such decedent were incompetent to do so by reason of being held in slavery, or whenever any free person of color shall have heretofore died, leaving a last will and testament, whereby the estate of such decedent, or any part of it, was bequeathed or devised to persons, or in trust for the use and benefit of persons, who were incompetent to take the same for the reason aforesaid, it shall be lawful for the said heirs and legatees and devisees, or their heirs, if they or any of them

be dead, to take and hold all such property in the same manner as if the descent, bequest, or devise had been originally valid in law.

1867.

§ 2. That suits may be prosecuted in law or equity by the persons entitled to the same, for the recovery of all such property as is mentioned in the first section of this act, and for the increase and rents and profits of the same, or for the value of such property, in case the same has been removed or disposed of: *Provided*, That this act shall not authorize suits against the State, or to authorize the repayment of any money for such property which has been sold by the State or its agents, or to draw the proceeds thereof from the Treasury.

Suits, how prosecuted and what to be recovered.

Proviso.

§ 3. This act shall take effect from and after its passage.

Approved March 2, 1867.

CHAPTER 1677.

AN ACT to relieve the tax-payers of the State from the payment of ten per cent. extra commission to the Sheriffs or Collectors of Revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend chapter eighty-three of the Revised Statutes, title 'Revenue and Taxation,'" as is embraced in the third section of said act, allowing an additional ten per cent. to the sheriffs or collectors on their commissions, be, and the same is hereby, repealed.

Myers, 396.

§ 2. This act shall take effect from its passage.

Approved March 4, 1867.

The section of the act, referred to, and which was approved February 25, 1862, is as follows:

"§ 3. If the tax-payer shall fail to pay his taxes before the fifteenth day of October, it shall be his duty to attend and pay the same to the sheriff or collector, at the courthouse of his county, before the fifteenth day of December; and if he fails to pay before that day, ten per cent. upon the amount of his taxes remaining unpaid at that time shall be added thereto, and collected by the sheriff or collector, and which shall be retained by them as part of, and in addition to, their commissions."

1867.

CHAPTER 1678.

AN ACT to amend an act, entitled "An act to tax railroads, turnpike roads, and other corporations, in aid of the Sinking Fund," approved February 20, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 480.

(Certain corporations to report annually all property owned on the 10th January preceding.

§ 1. That it shall be the duty of the president, treasurer, secretary, mayor, agent, or other person representing or doing business for any toll-bridge company, incorporated city, mining or manufacturing company or association, or any street railroad company owning property in this State (not specifically exempt from taxation), whether real, personal, or mixed, to report, under oath, to the Auditor of Public Accounts, on or before the 10th day of July, 1867, and on each succeeding 10th day of July thereafter, a full and complete statement of all property owned, possessed, held, or represented by the company, city, or association of which he is president, treasurer, secretary, mayor, agent, or representative, including bridges, machine shops, warehouses, engines, tools, implements, lands, city or town lots, with improvements thereon, or contained therein (real or personal), stocks, bonds, cash on hand, accumulated or surplus fund, and any other property owned, possessed, held, or represented by such company, city, &c., showing the total cash value of every species of property on the 10th day of January next preceding.

Report from
gas and water
works com-
panies.

§ 2. That it shall be the duty of the president, treasurer, or secretary of any gas-light or water-works company or association in this State, to report, under oath, to the Auditor of Public Accounts, on or before the 10th day of July, 1867, and on each succeeding 10th day of July thereafter, a full and complete statement of all property, real, personal, or mixed, including buildings, engines, machinery, pipes (above and below ground), reservoirs, retorts, tanks, meters, lamp-posts, together with any and all other species of property connected with or in any way belonging to or under the control of such gas or water company, and any surplus accumulated, or contingent fund on hand, cash on hand, stocks, bonds, or other securities, and the total cash value thereof, on the 10th day of January next preceding.

Tax.

§ 3. That it shall be the duty of the president, treasurer, secretary, mayor, or agent of any toll-bridge company, incorporated city, mining or other incorporated manufacturing company, gas-light or water-works company, or association in this State, or doing business in this State, under or by virtue of any act of incorporation named in the first or second sections of this act, to pay into the Treasury, on or before the 10th day of October in each year, a tax upon each one hundred dollars of the value [of the] property

owned, possessed, held, or represented by such company, city, or association, equivalent to the tax collected upon real estate.

1867.

§ 4. That it shall be the duty of the president, treasurer, secretary, or manager of any telegraph company or association, working, operating, or controlling any telegraph line in this State, to report, under oath, to the Auditor of Public Accounts, on or before the 10th day of July, 1867, and on each succeeding 10th day of July thereafter, a full and complete statement of each line, and the whole number of miles of wire worked, or under their control and management; and shall also pay into the Treasury, on or before the 10th day of October in each year, a tax equal to two dollars on each mile of wire worked by them.

Telegraph companies.

§ 5. That any president, treasurer, secretary, mayor, agent, or other person, failing or refusing to comply with any of the provisions required by the 1st, 2d, 3d, or 4th sections of this act, shall be fined a sum not less than two hundred dollars nor more than five hundred dollars, at the discretion of the court, to be recovered by motion in the Franklin circuit court: *Provided*, That this act shall not apply to any property or corporation specifically exempt from taxation by any law now in force, or which may be passed exempting such property or corporation.

Penalty for failing to comply with this act.

§ 6. That the 7th section of the act to which this is an amendment be, and is hereby, so amended as to apply to the 1st and 2d sections of this act.

Myers, 481.

§ 7. That the 3d section of the act to which this act is an amendment is hereby repealed.

Myers, 480.

§ 8. That all money paid into the Treasury under the provisions of this act and the act to which it is an amendment, shall be for the ordinary expenses of the government.

§ 9. That the individual stockholders of the companies which are by this act required to report and pay tax upon the value of their property, shall not be required to list their shares in such companies for taxation under the equalization law.

Individual stock holders exempt.

§ 10. That nothing in this act shall be so construed as to prevent any of the corporations or companies referred to in this act from deducting the amount of their bona fide indebtedness from the amount of stocks they may hold in other corporations, bonds, cash on hand, accumulated or surplus fund, and other uncollected claims: *Provided*, Their reports to the Auditor shall contain a full and comprehensive statement of the several items aforesaid.

Indebtedness deducted.

§ 11. This act shall take effect from its passage.

Approved March 4, 1867.

1867.

CHAPTER 1681.

AN ACT in relation to the Improvement of Streets in Cities and Towns in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Improvements
of streets in
cities & towns
—not exceeding
one half to be
charged to the
owner.
Barren county
excepted.

§ 1. That no city or town shall, by virtue of any authority it has to improve its streets at the costs of the owners of ground fronting thereon, have authority to charge the ground or the owner thereof, on account of such improvements, with more than one half the value of such ground. This act shall not apply to Barren county.

§ 2. This act shall be in force from its passage.

Approved March 4, 1867.

CHAPTER 1720.

AN ACT to amend an act, entitled "An act to tax Railroads, Turnpike Roads, and other Corporations, in aid of the Sinking Fund," approved February 20, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 480.

Street rail-
roads to be tax-
ed as other
property..

§ 1. That section 1st of an act, entitled "An act to tax railroads, turnpike roads, and other corporations, in aid of the Sinking Fund," approved February 20, 1864, shall not apply to such railroads, their depot grounds and improvements, as are commonly known as street railroads, operated by horse power, within the limits of the cities of this Commonwealth; but the same shall be taxed in all respects as the property of other corporations of a local character.

§ 2. This act shall take effect from its passage.

Approved March 5, 1867.

CHAPTER 1726.

AN ACT to require Master Commissioners to take an oath of office and execute bond for the faithful performance of their duties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Master com-
missioner to be
receiver.

§ 1. That every master commissioner in chancery shall, ex-officio, act as receiver of the court.

Special com-
missioner may
be appointed.

§ 2. The court may appoint a special commissioner in any case, who, by virtue of his appointment, shall act as receiver in said case.

Oath.

§ 3. Every master commissioner and deputy, in addition to the oath prescribed by the Constitution, shall, in the presence of the court, before entering upon the duties of his office, take the following oath: "I, A B, do swear that I will well and truly exercise the office of master commis-

sioner of ——— according to the best of my judgment, and that I will not wittingly or willingly commit any malfeasance of office, and will faithfully execute the duties of said office without favor, affection, or partiality: so help me God." The fact that such oath has been administered shall be entered on the record of the court.

1867.

§ 4. Every master and special commissioner, before he enters on the duties of his office, shall execute an obligation to the Commonwealth, with good security, approved by the court, in substance as follows: "We, A B, master commissioner of ——— (or special commissioner, in case of M. vs. N.), and C D and E F, his sureties, covenant and agree with the Commonwealth of Kentucky that the said A B will faithfully discharge every duty of said office, and pay over in due time to the proper person any money received by him as master (or special) commissioner. Given under our hands this ——— day of ———, 18—."

Bond.

1. The bond of master commissioner shall be entered on the records of the court. 2. The bond of special commissioner shall be filed in the suit and likewise recorded. 3. Master commissioners shall renew their bonds every two years, or oftener if required by the court. 4. Any person aggrieved may, as relator, institute suit on the bond of master or special commissioner. 5. The bond of either shall not be satisfied until every person aggrieved has been recompensed.

Bonds to be recorded.

Bonds renewed every 2 years. Suits thereon.

When satisfied.

§ 5. The court may, on motion of any party to a suit, require master commissioner to execute a special bond as receiver in any case; and if such bond is executed, the sureties of the master commissioner on his general bond shall not be responsible to any party aggrieved in said case.

Special bond may be required, and effect thereof.

§ 6. Master commissioners shall, at the next regular term of the court in which they are acting as such, comply with the requirements of this act.

When this act to be complied with.

§ 7. This act shall take effect from its passage.

Approved March 5, 1867.

CHAPTER 1726.

AN ACT to pay Military Claims audited by the Quarter-Master General.

WHEREAS, An act of this General Assembly approved February 17th, 1866, directed the Quarter-Master General to audit certain claims against the State, growing out of the military service of the State, and make his report to this adjourned session; and whereas, the report of the Quarter-Master has been made; therefore,

Myers, 731.

1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer, to be paid out of the military fund, the claims made in the report and supplemental report made to the present General Assembly, which, in the aggregate, amounts to one thousand three hundred and sixty-six dollars and forty cents, and is dated February 27th, 1867, of the Quarter-Master, upon the check of the Quarter-Master: *Provided*, That if there should be no money in the Treasury belonging to the military fund, then said claims shall be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 5, 1867.

[NOTE.—Post after Chapter 1799.]

CHAPTER 1732.

AN ACT to amend an act to establish Courts of Common Pleas in the First, Third, and Fourteenth Judicial Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ante, p. —.

§ 1. That so much of an act to establish a court of common pleas in the First, Third, and Fourteenth Judicial Districts, as applies to the county of Graves in the First Judicial District, be, and the same is hereby, repealed; and in the election of a judge of the court of common pleas in the First Judicial District, the county of Graves is to have no voice or vote.

Graves county
excepted.

Original act to
be printed & cir-
culated by Sec-
retary of State.

§ 2. That it is made the duty of the Secretary of State to have printed the original act to establish courts of common pleas in the First, Third, and Fourteenth Judicial Districts, and a copy of the same sent to each sheriff and circuit clerk in said Judicial District, except the sheriff and circuit clerk of the county of Graves.

§ 3. This act shall take effect from and after its passage.

Approved March 6, 1867.

CHAPTER 1733.

AN ACT to amend an act, entitled "An act to authorize proceedings to be instituted for the forfeiture of the charters of Railroad, Turnpike, and Bridge Companies in certain cases," approved 30th January, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 608.

§ 1. That an act approved January 30th, 1866, entitled "An act to authorize proceedings to be instituted for the

forfeiture of the charters of railroad, turnpike, and bridge companies in certain cases," be so amended as to embrace and as fully apply to any railroad, turnpike, or bridge company incorporated since that date, or which may hereafter be incorporated in this State, as if said act had in terms been prospective in its operation, and in terms included such.

1867.

§ 2. This act shall take effect from its passage.

Approved March 6, 1867.

CHAPTER 1748.

AN ACT to authorize a loan by the Commissioners of the Sinking Fund to the State, to supply deficiencies in the revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when it is made to appear to the Commissioners of the Sinking Fund that the revenue of the Commonwealth is insufficient to meet the ordinary expenses of the government and to pay appropriations made at the present session of the Legislature, that said Commissioners are authorized and empowered to loan to the State a sufficiency of the funds of the Sinking Fund to meet such deficiency in the revenue.

Sinking Fund Commissioners may loan money to State to meet deficiencies of revenue.

§ 2. That the Governor of this Commonwealth shall deliver to the Commissioners of the Sinking Fund, under the seal of the State, evidence of such loan.

State to give evidence of loan.

§ 3. That it shall be the duty of the Treasurer to repay to the Commissioners of the Sinking Fund such amount so borrowed out of the first money paid into the Treasury.

Treasurer to repay loan.

§ 4. That, in the event the Commissioners of the Sinking Fund shall decline to make the loan authorized by the first section, then the Governor of this Commonwealth is authorized and empowered to borrow from the banks of this Commonwealth whatever sum, not exceeding three hundred and fifty thousand dollars, may be found necessary to supply any deficiency in the Treasury; or should the Treasury be unable to meet the payment of any loan made it by the Commissioners of the Sinking Fund, at the time when required by said Commissioners, then the Governor is authorized and directed to borrow from the said banks an amount sufficient to repay said loan. The sums so borrowed shall be placed to the credit of the Treasury, subject to the order of the Treasurer.

If Sinking Fund Commissioners refuse to loan, Governor may borrow from banks.

When Treasurer is unable to pay, Governor may borrow.

§ 5. That this act shall take effect from its passage, and remain in force for one year only.

Approved March 6, 1867.

1867.

CHAPTER 1752.

AN ACT to repeal all laws requiring the payment of a Militia Tax in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Militia tax repealed.

§ 1. That all acts and parts of acts requiring the payment of a militia tax in this Commonwealth be, and the same are hereby, repealed.

§ 2. This act to be in force from and after its passage.

Approved March 2, 1867.

CHAPTER 1753.

AN ACT to change and regulate the time of holding the Circuit Courts of the First Judicial District, and legalize process of the Courts of said District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 139.

§ 1. That the circuit courts in the first judicial district shall commence in each of the counties of said district at the time hereafter specified, and shall be held the number of juridical days allotted to each term, if the business of the court shall require, viz :

Graves.

In the county of Graves, on the first Monday in May and November, and continue, each term, eighteen juridical days.

Ballard.

In the county of Ballard, on the first Monday in March and September, and continue, each term, twelve juridical days.

Hickman.

In the county of Hickman, on the third Monday in March and September, and continue, each term, eighteen juridical days.

Fulton.

In the county of Fulton, on the second Monday in April and October, and continue, each term, eighteen juridical days.

Calloway.

In the county of Calloway, on the fourth Monday in May and November, and continue, each term, twelve juridical days.

Marshall.

In the county of Marshall, on the second Monday in June and December, and continue, each term, twelve juridical days.

McCracken.

In the county of McCracken, on the first Monday in January and July, and continue, each term, thirty juridical days.

§ 2. That in all cases where process has been issued by the clerks of the courts of the first judicial district, or which may be by them issued, before they receive information of the passage of this act, and made returnable to the respective terms of said courts as heretofore fixed by law,

it shall be lawful and valid to return all said process to the first succeeding terms of said courts respectively, as fixed by this act, and the sheriffs and other officers are directed to so return all process in their hands under the pains and penalties as now fixed by law; and when such returns are made by them, they shall have the same effect as if issued returnable to the first terms of the courts as fixed by this act, and all such process is made valid and legal.

1867.

§ 3. This act shall take effect and be in force from and after the first day of August, 1867.

Approved March 6, 1867.

CHAPTER 1761.

AN ACT to amend the Common School Law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following be added as section 22, to article 4, of the revised common school law, to-wit: That no common school commissioner of this State shall be a teacher in any of the common schools thereof.

Myers, 449.

School commissioner not to be a teacher.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1867.

CHAPTER 1765.

AN ACT to amend an act, entitled "An act to establish a Criminal Court in the Ninth Judicial District," approved February 5, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the judge of the criminal court in the ninth judicial district shall hold two regular terms of said court in each year in the town of Independence, in Kenton county; one of said terms shall commence on the Tuesday succeeding the third Monday in August, and continue five juridical days, if the business shall require it; and the other shall commence on the Tuesday succeeding the first Monday in March, and continue five juridical days, if the business shall require it.

Two regular terms of said court to be held in Independence, Kenton county.

Approved March 7, 1867.

1867.

CHAPTER 1767.

AN ACT to change the time of holding the Courts in the Second Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 139.

§ 1. That the circuit courts in the Second Judicial District shall be held as follows, to-wit:

Trigg.

Trigg—On the third Mondays in February and August, each term continuing eighteen days.

Christian.

Christian—On the second Mondays in March and September, the March term continuing twenty-four days, and the September term eighteen days.

Todd.

Todd—On the second Monday in April and the first Monday in October, each term continuing eighteen days.

Caldwell.

Caldwell—On the first Monday in May and the fourth Monday in October, the May term continuing twenty-four days, and the October term eighteen days.

Lyon.

Lyon—On the first Monday after the termination of the May term of the Caldwell circuit court, and continue twelve days, and on the third Monday in November, and continue eighteen days.

Muhlenburg.

Muhlenburg—On the third Monday in June and the second Monday in December, the June term continuing eighteen days and the November term twelve days.

§ 2. That all recognizances and process in any of the said courts shall stand and be made returnable at the terms of said courts herein specified and directed to be held.

§ 3. That all laws in conflict with this be, and the same are hereby, repealed.

§ 4. That this act shall take effect on the first Monday in May in the year 1867.

Approved March 7, 1867.

CHAPTER 1769.

AN ACT to fix the salary of the Register of the Land Office and his Chief Clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salary.

§ 1. That the salary of the Register of the Land Office shall hereafter be two thousand dollars in currency per annum; and that the Chief Clerk in said office shall receive an annual salary of twelve hundred dollars in currency, payable as now provided by law.

§ 2. This act shall be in force from its passage.

Approved March 7, 1867.

CHAPTER 1774.

1867.

AN ACT to apportion representation in the Senate and House of Representatives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That representation for the House of Representatives shall be apportioned among the several counties of this Commonwealth as follows, viz:

To the First District, twelve Representatives, as follows: To the counties of Fulton and Hickman one, Graves one, Ballard one, McCracken one, Calloway one, Marshall and Livingston one, Crittenden one, Union one, Hopkins one, Caldwell and Lyon one, Trigg one, and Webster one.

To the Second District, eleven Representatives, as follows: To the county of Christian one, Muhlenburg one, Henderson one, Daviess one, Hancock one, Ohio one, Breckinridge one, Meade one, Grayson one, McLean one, and Butler and Edmonson one.

To the Third District, nine Representatives, as follows: To the county of Todd one, Logan one, Simpson one, Warren one, Allen one, Monroe one, Barren one, Hart one, and Metcalfe one.

To the Fourth District, eight Representatives, as follows: To the county of Adair one, Green and Taylor one, Wayne one, Pulaski one, Cumberland and Clinton one, Russell and Casey one, Boyle one, and Lincoln one.

To the Fifth District, eight Representatives, as follows: To the county of Hardin one, Larue one, Bullitt and Spencer one, Nelson one, Washington one, Marion one, Mercer one, and Anderson one.

To the Sixth District, ten Representatives, as follows: To the county of Garrard one, Madison one, Estill and Jackson one, Whitley one, Laurel and Rockcastle one, Floyd and Johnson one, Letcher and Pike one, Knox and Josh Bell one, Harlan and Perry one, and Clay and Owsley one.

To the Seventh District, thirteen Representatives, as follows: To the First Ward of the city of Louisville one, the Second and Third Wards one, the Fourth and Fifth Wards one, the Sixth Ward one, the Seventh Ward one, the Eighth and Ninth Wards one, the Tenth Ward one, the Eleventh and Twelfth Wards one, the county of Jefferson outside of the taxable limits of the city of Louisville one, Shelby one, Henry one, Trimble and Carroll one, and Oldham one.

To the Eighth District, seven Representatives, as follows: To the county of Bourbon one, Fayette one, Scott one, Owen one, Franklin one, Woodford one, and Jessamine one.

To the Ninth District, nine Representatives, as follows: To the county of Bath one, Fleming one, Greenup one,

1867. Lewis one, Clark and Montgomery one, Lawrence one, Boyd and Carter one, Breathitt, Wolfe, and Powell one, and Morgan, Magoffin, and Rowan one.

To the Tenth District, thirteen Representatives, as follows: To the county of Mason two, to the county of Bracken one, Nicholas and Robertson one, Harrison one, Pendleton one, Campbell two, Grant and Gallatin one, to the First, Second, Third and Sixth Wards of the city of Covington one, to the Fourth, Fifth, and Seventh Wards one, to Kenton county outside of the city of Covington one, and to the county of Boone one.

§ 2. That for the purpose of apportioning representation in the Senate, the State is hereby laid off into thirty-eight Senatorial Districts, as follows, viz:

The counties of Hickman, Fulton, and Graves shall compose the First District.

The counties of McCracken, Ballard, and Marshall the Second District.

The counties of Trigg, Calloway, Livingston, Lyon, and Henrietta the Third District.

The counties of Hopkins, Caldwell, and Crittenden the Fourth District.

The counties of Union, Henderson, and Webster the Fifth District.

The counties of Christian and Muhlenburg the Sixth District.

The counties of Daviess and Hancock the Seventh District.

The counties of Ohio, Butler, and McLean the Eighth District.

The counties of Grayson, Breckinridge, and Edmonson the Ninth District.

The counties of Hardin, Meade, and Bullitt the Tenth District.

The counties of Barren, Metcalfe, and Monroe the Eleventh District.

The counties of Logan, Todd, and Simpson the Twelfth District,

The counties of Warren and Allen the Thirteenth District.

The counties of Spencer, Nelson, and Shelby the Fourteenth District.

The counties of Marion, Washington, and Taylor the Fifteenth District.

The counties of Cumberland, Adair, Russell, and Clinton the Sixteenth District.

The counties of Pulaski and Wayne the Seventeenth District.

The counties of Lincoln, Casey, Boyle, and Garrard the Eighteenth District.

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The counties of Hart, Green, and Larue the Nineteenth District.

The counties of Franklin, Anderson, and Mercer the Twentieth District.

The counties of Henry, Oldham, Trimble, and Carroll the Twenty-first District.

The counties of Harrison, Scott, and Robertson the Twenty-second District.

The counties of Gallatin, Boone, and Owen the Twenty-third District.

The county of Kenton the Twenty-fourth District.

The county of Campbell the Twenty-fifth District.

The counties of Pendleton, Bracken, and Grant the Twenty-sixth District.

The counties of Fayette, Woodford, and Jessamine the Twenty-seventh District.

The counties of Montgomery, Bath, Clark, and Bourbon the Twenty-eighth District.

The counties of Estill, Madison, Jackson, and Powell the Twenty-ninth District.

The counties of Fleming, Rowan, Nicholas, and Carter the Thirtieth District.

The counties of Mason and Lewis the Thirty-first District.

The counties of Boyd, Greenup, and Lawrence the Thirty-second District.

The counties of Perry, Letcher, Clay, Harlan, Floyd, and Pike the Thirty-third District.

The counties of Magoffin, Breathitt, Johnson, Morgan, Wolfe, and Owsley the Thirty-fourth District.

The county of Jefferson outside of the taxable limits of the city of Louisville, and the First and Second Wards within the city of Louisville the Thirty-fifth District.

The Third, Fourth, Fifth, Sixth, and Seventh Wards of the city of Louisville the Thirty-sixth District.

The Eighth, Ninth, Tenth, Eleventh, and Twelfth Wards of the city of Louisville the Thirty-seventh District.

The counties of Laurel, Whitley, Knox, Rockcastle, and Josh Bell the Thirty-eighth District.

§ 3. That elections for Senator shall be held in the year 1867 in the First, Second, Third, Fourth, Fifth, Sixth, Eleventh, Twelfth, Thirteenth, Sixteenth, Twenty-second, Twenty-sixth, Thirtieth, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth Districts, and every four years thereafter, until a new apportionment; and elections for Senator shall be held in the year 1869 in the Seventh, Eighth, Ninth, Tenth, Fourteenth, Fifteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, Twenty-

1867.

ninth, Thirty-first, and Thirty-second Districts, and every four years thereafter, until a new apportionment.

§ 4. That in order to ascertain the state of the polls, when two or more counties compose a Senatorial District, or two or more counties are joined together to elect a Representative, the sheriffs of such counties shall meet at the court-house of the county first named, to compare the polls, on the first Monday next after the election, and having ascertained, by faithful comparison and addition, the number of their respective polls, shall make return in the manner prescribed by law: *Provided*, That when a writ of election shall be issued by the Governor, or either branch of the Legislature, an earlier day may be ordered in said writ for comparing the polls, if deemed expedient.

§ 5. That if any new county should be established before the next enumeration and apportionment of representation, it shall be considered as part or parts of the county or counties from which it was taken, for the purpose of representation.

Approved March 7, 1867.

CHAPTER 1780:

AN ACT to amend the law of Appeal from County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appeal where
claim or allow-
ance is \$50 or
more.

§ 1. That the right of appeal to the circuit courts, and thence to the court of appeals, under existing laws, from any allowance or appropriation, to any individual, county, or corporation, or a refusal to make any allowance or appropriation by the county courts of this State, shall exist where the amount of the allowance or appropriation made or claimed shall be fifty dollars or more.

§ 2. This act shall take effect from its passage.

Approved March 7, 1867.

CHAPTER 1781.

AN ACT to amend an act, entitled "An act to provide for the Arrearages of Pay due deceased Soldiers," approved August 31, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 305.

§ 1. That an act to provide for paying the arrears of pay due deceased soldiers to their widows or heirs, approved August 31, 1862, be, and the same is hereby, amended as follows, viz: That the Adjutant General be, and he is hereby, authorized to adjust and settle the accounts, and to ascertain how much is due to any officer or soldier who

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may have entered the service of the State under an act entitled "An act to raise volunteer forces to repel the invasion of the State, and for other purposes," passed September 30, 1861, and an act supplemental thereto, approved October 1, 1861, and who entered said service under any subsequent act or call of the Governor to fill any quota of this State, and who died while in said service, and before being mustered into the service of the United States, or to ascertain and settle the accounts of any officer or soldier who are now living, but were honorably mustered out of service or discharged before entering service of the United States for physical disability incurred in said service: *Provided, however,* In settling said accounts, the officer and soldier shall be charged with any clothing or government stores that came into their possession while in said service, and which was not turned over by them to the proper authorities when they left said service, unless said property was captured by the enemy, or the party forced to abandon the same by order of some superior officer in authority. And upon ascertaining the amount so due, the same shall be paid to such officer and soldier, if living; if dead, then the same shall be paid to the widow of the deceased officer and soldier, if he left a widow, and if no widow, then to his children.

§ 2. The sums found to be due under the provisions of this act shall be paid by warrant to be drawn on the Treasurer, in favor of the officer, soldier, widow, or child or children, or their guardian, should they or any of them be infants, by the Auditor, upon filing with him a copy of the account stated, settled, and allowed by the Adjutant General, certified by him. The Adjutant General shall carefully file away and keep said settlements, and vouchers accompanying the same, for the purpose of having the same reimbursed and paid to the State by the General Government. The funds appropriated by this act shall not be subject to attachment or any legal process for the payment of debts due and owing by the officer or soldier thus paid, nor be assigned to any person whatever.

§ 3. This act shall be so construed as to embrace the cases of those who actually rendered service as quartermaster, commissary, or surgeon; and who, because of the consolidation of the regiment or battalions to which they were attached with other regiments or battalions, were never formally mustered into service of the State; and of such soldiers as honorably left the service of the State, because of disability incurred therein, without receiving formal discharges: *Provided,* That full and satisfactory evidence of such service shall be furnished to the Adjutant General: *Provided further,* That it shall not be construed in such manner as to embrace recruiting officers who failed

1867. to recruit the requisite number of men to entitle them to a commission.

§ 4. This act to take effect from and after its passage.

Approved March 7, 1867.

CHAPTER 1799.

AN ACT to amend an act to pay Military Claims audited by the Quarter-Master General, approved March 5, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to pay military claims audited by the Quarter-Master General," approved March 5, 1867, be, and the same is hereby, amended by striking out of said act the following words: "Which, in the aggregate, amounts to \$1,366 40, and is dated February 27, 1867," and substitute the word "certificate" for "check," in said act.

§ 2. This act to take effect from its passage.

Approved March 7, 1867.

[NOTE.—See ante Chapter 1728, and post Chapter 1846.]

CHAPTER 1800.

AN ACT to appropriate money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor, to-wit:

§ 2. To the Speakers of the Senate and House of Representatives, eight dollars per day, each, during the present session of the General Assembly.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars per day, each, during the session, and the same for fifteen days after the adjournment, for preparing the acts for publication, and arranging the papers of their respective Houses.

§ 4. To the Assistant Clerks, each, ten dollars per day during the present session.

§ 5. To the Sergeant-at-Arms, each, six dollars per day during the present session.

§ 6. To the Door-keepers, each, six dollars per day during the present session.

§ 7. To the pages of the Senate and House of Representatives, two dollars and fifty cents per day, each, during the present session.

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§ 8. To the ministers of the Gospel of Frankfort, two hundred dollars, to be distributed among them by the Sergeant-at-Arms of the Senate.

§ 9. To N. A. Rapier, Sergeant-at-Arms of the House of Representatives, for the benefit of Henry Morton and Jack Morton, men of color, two dollars and fifty cents per day, each, for waiting on the House of Representatives during the present session.

§ 10. To J. W. Pruett, Sergeant-at-Arms of the Senate, for the benefit of Lewis Harris, a man of color, two dollars and fifty cents per day, for waiting on the Senate during the present session.

§ 11. To Robert Loomis, a man of color, two dollars per day for waiting upon the "back capitol" during the present session.

§ 12. To Charles Haydon and Hiram Faris, Clerks of the Enrolling Committees of the Senate and House, four dollars per day, each, during the present session.

§ 13. To Charles S. Green, member from Hopkins, twenty-five dollars, for mileage for last session.

§ 14. To John P. Haley, for sundries, as per bill rendered, seventy-eight dollars and fifty-three cents.

§ 15. To H. D. McHenry, as committeeman in the case against W. C. Goodloe, expenses and per diem, one hundred and fourteen dollars and sixty cents.

§ 16. To J. M. Corbin, one of the committee in the same case, for expenses and per diem, fifty-three dollars.

§ 17. To B. F. Buckner, one of the committee in the same case, for expenses and per diem, thirty-six dollars.

§ 18. To R. T. Davis, one of the committee in the same case, for expenses and per diem, thirty dollars.

§ 19. To Fenton Sims, one of the committee in the same case, for expenses and per diem, one hundred and twenty-two dollars and fifty cents.

§ 20. To John C. Hansboro, as clerk in the Goodloe case, twenty-five dollars.

§ 21. To J. H. Johnson, as clerk in same case, ten dollars.

§ 22. To Charles Haydon, as clerk in same case, five dollars.

§ 23. To Grigsby & Robinson, of Phoenix Hotel, to rent of room for committee, fifteen dollars.

§ 24. To John B. Norton, for copy of indictments, three dollars.

§ 25. To J. W. Combs, sheriff of Woodford, for summoning witnesses, and his mileage, seven dollars.

§ 26. To A. H. Buckner, for copy of indictments, eight dollars.

§ 27. To Daniel White, witness in the Judge Goodloe case, ten dollars.

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§ 28. To John D. Helm, T. P. Porter, Robert McConnell, E. Harnett, witnesses in same case, five dollars, and Wm. Sheppard, witness in same case, ten dollars.

§ 29. To J. M. Armstrong, for expenses paid in visiting different points in reference to the removal of the Capital, and per diem for twelve days, eighty-eight dollars and fifty cents.

§ 30. To J. Fry Lawrence, as committeeman, for expenses and per diem in visiting the Western Lunatic Asylum, fifty-seven dollars.

§ 31. To B. R. Young, for expenses and per diem in visiting the Western Lunatic Asylum, forty-three dollars and twenty-five cents.

§ 32. To J. H. Rodman, for expenses and per diem in visiting the Western Lunatic Asylum, forty-four dollars and seventy-five cents.

§ 33. To same, for visiting House of Refuge in Louisville, seven dollars.

§ 34. To J. W. Gorin, for visiting House of Refuge in Louisville, eight dollars.

§ 35. To Isaac Vanmeter, for visiting House of Refuge in Louisville, seven dollars.

§ 36. To George Pojndexter, for visiting House of Refuge in Louisville, seven dollars.

§ 37. To J. M. Armstrong, for expenses, hack hire, &c., in visiting House of Refuge in Louisville, twenty dollars.

§ 38. To J. M. Mills, for sundries, three dollars.

§ 39. To J. L. & W. H. Waggener, for mail bags, four dollars and fifty cents.

§ 40. To J. M. Mills, for sundries, two dollars and seventy-five cents.

§ 41. To John B. Major, for four maps of Kentucky, two dollars.

§ 42. To John Haly, for one paper file, fifty cents.

§ 43. To J. D. Rake, for sundries, as per bills rendered, forty-three dollars.

§ 44. To John Haly, as per bill rendered, three dollars.

§ 45. To J. L. & W. H. Waggener, as per bill rendered, two dollars and fifty cents.

§ 46. To Gray & Todd, for sundries, as per bill rendered, eight dollars and eighty-five cents.

§ 47. To D. C. Barrett, for preparing index to the Journals of the Senate and House, two hundred dollars.

§ 48. To Daniel Clark, the "Ancient Governor," seventy-five dollars, for his services in waiting upon the Executive Department.

§ 49. The Auditor is authorized to draw his warrant upon the Treasurer in favor of the principal Clerks of the Senate and House of Representatives, for the amount of

extra clerk hire in enrolling bills, to be estimated and certified by the Clerks.

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§ 50. To S. I. M. Major, for the Kentucky Yeoman, furnished the Senate and House of Representatives during the present session, three hundred dollars.

§ 51. To Prentice, Henderson & Osborne, for forty-nine copies of the Louisville Daily Journal during the present session, ninety-eight dollars.

§ 52. To W. N. Haldeman & Co., for eighty-two copies of the Louisville Daily Courier during the present session, two hundred and sixty-two dollars and forty-nine cents.

§ 53. To Harney, Hughes & Co., for sixty-six copies of the Louisville Daily Democrat during the present session, one hundred and thirty-two dollars.

§ 54. To A. G. Hodges, for one hundred and fifty copies of the Frankfort Commonwealth, one hundred and fifty dollars.

§ 55. To Goodloe & Goodloe, for fourteen copies of the Kentucky Statesman during the present session, *Semi-weekly*, twenty dollars.

§ 56. To Thomas Green, for one copy of the Maysville Eagle during the present session, two dollars.

§ 57. To T. J. Cornelison, for attendance as witness and mileage in the case against Judge Goodloe, twenty-six dollars.

§ 58. To George A. Robertson, for postage on business for the State of Kentucky, ten dollars.

§ 59. To Nancy Morton, for washing towels, three dollars.

§ 60. To John F. McMillen, for expenses and per diem in examining different points in reference to the removal of the State Capital, one hundred dollars and fifty cents.

§ 61. To John B. Bruner, for expenses incurred and per diem in examining different points in reference to the removal of the State Capital, one hundred and eight dollars.

§ 62. To Milton J. Cook, for expenses incurred and per diem in examining different points in reference to the removal of the State Capital, one hundred and ten dollars.

§ 63. To W. A. Gaines, as per bill rendered, four dollars and twenty-five cents.

§ 64. To Dr. W. S. Chipley, B. M. Patten, and J. A. Jacobs, for expenses incurred as *ex-officio* commissioners in examining the Feeble-minded Institute, twenty-four dollars, each.

§ 65. To John M. Johnson, for expenses incurred by him in 1861, whilst acting for the State of Kentucky under an appointment of the Governor, one hundred and fifty dollars.

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§ 66. That in construing the laws of the present session, in relation to the pay of members and officers of this General Assembly, the Clerks of the Enrolling Committees and Pages of this General Assembly shall be considered as officers.

§ 67. That John C. Noble be allowed, for twelve copies of the Paducah Herald, twenty-four dollars.

§ 68. To Bunch & Lee, attorneys to take proof in the investigation of the Institution for the Education of the Blind, two hundred and fifty dollars. To N. R. Wilson, examiner, seventy-five dollars. To J. M. Bigger, hotel bill, twenty-five dollars. To W. H. Gardner, hotel bill, twenty-five dollars. And to Jesse H. Rodman, hotel bill, twenty-five dollars.

§ 69. To A. B. Gilbert, fifty dollars, for his services as Door-keeper at the December session, 1865. To the Baptist Church, of the city of Frankfort, twenty-dollars, for the use of the bell during the present session of the Legislature.

§ 70. That the appropriations hereby made shall be paid in United States Treasury Notes, or in notes of the National Banks, except as otherwise provided by law.

§ 71. That this act take effect from its passage.

Approved March 7, 1867.

CHAPTER 1801.

AN ACT authorizing the purchase of additional copies of the Adjutant General's Report.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

235 copies of
History of Ken-
tucky Soldiers
to be purchased

§ 1. That the Secretary of State be, and he is hereby, directed to purchase from D. W. Lindsey two hundred and thirty-five copies of the Adjutant General's Report for 1861-6, known as the History of Kentucky Soldiers During the late War, at what the same would cost the State if printed by the Public Printer, and bound by the Public Binder, with ten per cent. added thereto to cover money advanced by said Lindsey for extra clerk hire, &c.

§ 2. That as said books are delivered to said Secretary at his office in Frankfort, he shall examine them, and if they are well bound and in good order, he shall certify to the Auditor of Public Accounts the number delivered by, and the amount therefor due to said Lindsey, and the Auditor is hereby directed to issue his warrant upon the Treasurer in favor of said Lindsay for said sum, payable in such currency as is received into the Treasury as revenue.

§ 3. That it shall be the duty of the Secretary of State, upon the receipt of a sufficient number of the books aforesaid, or any volumes thereof, to cause to be delivered to each Senator and Representative, and the officers of each House of this General Assembly, one copy. The remaining eighty-eight copies he will ship to the Agent of the State of Kentucky at Washington City, to be distributed in the public offices as they may be required to facilitate the collection of claims from this State; and the cost of these eighty-eight copies shall be charged to the military expenses incurred by the State of Kentucky.

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§ 4. And this act shall take effect from its passage.

Approved March 7, 1867.

CHAPTER 1805.

AN ACT to continue in force an act, entitled "An act to increase the compensation to the Public Printer," approved February 25, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to increase the compensation to the Public Printer," approved February 25, 1865, be, and the same is hereby, continued in force to the 25th day of February, 1868.

Act of Feb. 25, 1865, continued for one year.

§ 2. That this act take effect from its passage.

Approved March 8, 1867.

CHAPTER 1810.

AN ACT to appropriate money to defray expenses of suit of Missouri vs. Kentucky.

WHEREAS, In the year of 18— there was appropriated by the Legislature of Kentucky the sum of \$1,500, to defray the expenses of a suit instituted by the State of Missouri against the State of Kentucky, for the recovery of Wolf Island, or Island No. 5; in the Mississippi river; and whereas, the sum of \$300 of this fund was drawn out of the Treasury by the Hon. James Harlan, while he was acting as attorney for Kentucky. The sum of \$500 has been drawn out by the Governor, to pay the counsel of the State at Washington City; and \$255 55 has been drawn out by the Governor, and paid to the attorney of the State, W. R. Bradley, to defray the expenses of taking depositions; and whereas, at the last sitting of this Legislature \$60 of this fund was appropriated to pay H. G. Black, for his services as surveyor, and making maps, and \$500 was

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also appropriated to pay W. R. Bradley for his services as attorney in the preparation of the cause up to that date; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
to defray ex-
penses of Wolf
Island suit.]

§ 1. That there is hereby appropriated out of the Public Treasury the further sum of \$500 to defray the ordinary expenses of said suit, and to pay the said Black and Bradley any deficiency that may exist in the amounts ordered to be paid to them last session of this Legislature, out of said \$1,500, by reason of the same being otherwise appropriated; and the same is hereby placed under the control of the Governor, and to be drawn out upon his direction to the Auditor, who is required to draw his warrant on the Treasurer of the State, and he is directed to pay the same.

§ 2. That this act shall take effect from its passage.

Approved March 8, 1867.

CHAPTER 1817.

AN ACT to change the time of holding the Circuit Courts of Lincoln and Casey Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Lincoln.

Casey.

§ 1. That hereafter terms of the Lincoln circuit court shall commence on the third Monday of April and October, and continue twelve juridical days at each term; and that hereafter the Casey circuit court shall commence on the second Monday of March and September, and continue six juridical days at each term: *Provided*, Nothing in this act shall interfere with the time of holding the spring terms of said courts for the year 1867, as now fixed by law.

§ 2. That all acts or parts of acts coming in conflict with act are hereby repealed, and this act shall take effect from its passage.

Approved March 8, 1867.

CHAPTER 1820.

AN ACT to change the time of holding the Simpson and Butler County Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Simpson.

§ 1. That the circuit courts in and for the county of Simpson shall hereafter be holden, commencing on the first Mondays in September and March of each year, and

continue, each, eighteen juridical days, if the business of the court require it.

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§ 2. That hereafter the circuit court in and for the county of Butler shall begin on the second Mondays in December and June in each year, and continue twelve juridical days, if the business of the court require it.

Butler.

§ 3. That the next June term of the Simpson circuit court, and the present March term of the Butler circuit court, shall not be affected by the passage of this bill.

Next term of Simpson and present term of Butler not changed.

§ 4. This act to take effect from its passage.

Approved March 8, 1867.

CHAPTER 1832.

AN ACT to tax income on United States bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the assessors of property for taxation for revenue to require of each tax-payer to state on oath what income he or she derives annually from interest paid on bonds issued by the Government of the United States, owned by said tax-payer, or held by him or her in trust for another, or in any fiduciary capacity; the sums so listed shall be set down in a separate column under a head "Income from United States Bonds."

Income on U. S. bonds to be listed with Assessor.

§ 2. That there is hereby assessed a tax on the gross amount of such income five per cent., which shall be collected by the sheriff or other collecting officer of revenue, who shall account for and pay over the same as other revenue, specifically stating the sum collected from that source, which sum shall be set apart and placed on deposit in any bank on terms as to interest to be held subject to the future action of the Legislature.

Tax thereon of 5 per cent on gross amount.

Disposition of fund.

§ 3. This act to be in force from its passage.

Approved March 8, 1867.

CHAPTER 1835.

AN ACT to amend the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Code of Practice regulating criminal proceedings in this Commonwealth be, and the same is, so amended as to permit persons charged with any criminal or penal offense against the laws of this State, wherein bail is by law allowed, to give bail for their appearance to answer such charge before the committing magistrate or examining court.

Bail allowed for appearance before examining magistrate in bailable cases.

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Duty of officer or private persons who make arrests in bailable cases.

§ 2. Any officer or private person making arrests of any person or persons charged with crime or misdemeanors, bailable by the laws of this State, shall immediately carry such person or persons before the county judge, city or police judge, or two justices of the peace, who shall fix a day for the trial of such person thus charged, and shall also fix a sum in which such person or persons may give bail for his or their appearance before such examining court.

Who may take bonds.

§ 3. That the officer making the arrest, the county judge, or either of the justices of the peace, shall have power to take and attest such bond or bonds.

When trial in examining court is not had on the day fixed, sureties in bail bond liable till case is finally disposed of.

§ 4. That in case the person or persons thus charged should not be tried upon the day fixed by the county judge, city or police judge, or justices, and the examination postponed to another day, the bond or bonds executed for his or their appearance before the examining court shall bind the sureties in said bond for the appearance of such person or persons until the case is finally disposed of before such examining court.

Proceedings when defendant does not appear according to bond.

§ 5. That in case any person or persons shall execute any such bond or bonds, and shall fail to appear before such examining court at the time and place named in said bonds, or according to the provisions of this act, the county judge, city or police judge, or justices composing such examining court, shall indorse on the bond or bonds the word "forfeited," and shall return such bond or bonds to the clerk of the circuit court in which such proceedings may be had as are now provided by law on bonds forfeited in the circuit courts.

§ 6. All laws within the purview of this act are hereby repealed.

§ 7. This act shall take effect thirty days after its passage.

Approved March 8, 1867.

CHAPTER 1836.

AN ACT to employ and compensate the keeper of the Frankfort Cemetery, to keep in order the Monuments, Graves, and Lots therein belonging to the State.

WHEREAS, The Commonwealth has heretofore purchased a number of lots in the Frankfort Cemetery for the use of the State, in which the remains of many of her illustrious citizens repose; and for the purpose hereafter of having the said grounds and monuments erected thereon by the State kept in good order and repair,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1867.

§ 1. That the said cemetery company hereafter cause to be kept in good repair said lots and the monuments now erected by the State, and those which may hereafter be erected upon lots now owned by the State, and every six months to present the account to the Governor for approval, verified by the oath of the superintendent, and if approved, to certify the same to the Auditor, who shall draw his warrant upon the Treasury for the amount of said account: *Provided*, That not more than the sum of one hundred dollars shall be allowed for said repairs and care for any one year.

Repairs upon State lots and monuments in Frank's Cemetery.

§ 2. This act shall take effect from its passage.

Approved March 8, 1867.

CHAPTER 1848.

AN ACT to amend an act to pay Military Claims audited by the Quarter-Master General, approved March 5th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to pay military claims audited by the Quarter-Master General," approved March 5th, 1867, be, and the same is hereby, amended by striking out of said act the following words: "which in the aggregate amount to one thousand three hundred and sixty-six dollars and forty cents, and is dated February 27th, 1867," and substitute the word "certificate" for "check" in said act.

§ 2. This act to take effect from its passage.

Approved March 8, 1867.

[See ante Chapters 1728 and 1799.]

CHAPTER 1848.

AN ACT to provide for the assessment for taxation of the property of corporations, and the more speedy collection of back taxes due thereon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all proceedings by the Commonwealth under existing laws, to assess for taxation the property or estate of any corporation which has not been listed or assessed for taxation in any year since the tenth January, 1856, may be commenced and determined in the county court of the county where the principal office of said corporation is kept in this State; and said court shall have power and jurisdiction to assess for taxation all the estate which said

Myers, 4 to 12

1867.

corporation may have in this State, as though the whole thereof was in the county where such court is held; and any assessment thus made shall be certified to the proper collecting officer, who shall collect the amount so certified as due from said corporation to the State on account of back taxes, in the same manner that public revenue is now collected.

Attorney
General.

His compensa-
tion.

§ 2. It shall be the duty of the Attorney General to represent the State in the said county court in all such proceedings against corporations to recover back taxes; and he shall be entitled for his services to the same fees, to be taxed as part of the costs against such defaulting corporation and to be paid by such corporation, that he would be entitled to for like services in the Franklin circuit court.

§ 3. This act shall take effect from its passage.

Approved March 8, 1867.

CHAPTER 1860.

AN ACT to amend the law in relation to the selection and payment of jail guards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jail guards not
to be paid out
of public treas-
ury.

§ 1. That all laws heretofore enacted directing jail guards to be paid out of the State Treasury and their appointment to be made by the circuit judge, be, and the same is hereby, repealed.

Jail guard to
be summoned
upon order of
county judge.

§ 2. That hereafter when, in the opinion of the county judge of any county wherein a prisoner may be confined, charged with felony, the safe-keeping of the prisoner so charged requires that a guard shall be kept over him, said county judge shall make the order of record to that effect, and direct the number of guards to be summoned, by whom to be summoned, and under whose control same shall be placed.

Pay of guard.

§ 3. That each guard so summoned and performing duty shall be allowed the sum of one dollar and fifty cents per day, which shall be paid out of the county levy wherein the duty is performed.

§ 4. This act to be in force from its passage.

Approved March 9, 1867.

CHAPTER 1865.

1867.

AN ACT to amend an act, entitled "An act to provide for auditing and paying Military Claims."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for auditing and paying military claims," approved February 17, 1866, be so amended, that it shall be the duty of the Quarter-Master General, in addition to the claims mentioned in said act, to audit all unpaid claims that may be presented to him against the State, arising out of the military service of State troops during and after the year 1862, for rent, transportation, services rendered, quartermaster's stores, and arrears of pay due officers or soldiers. He will be governed by the provisions of said act as to the kind of proof to sustain a claim. He will not audit any claim for rent, unless the premises occupied by officers or soldiers were so occupied by authority of a commissioned officer; nor any claim for transportation, unless the same was obtained by a commissioned officer. The quartermaster's stores contemplated by this act are only such as were taken by authority of a commissioned officer, and such as the proof may plainly show were actually used in service of the State, and were necessary at the time for the service of the State, though not taken by authority of a quartermaster.

Myers, 731.

§ 2. The Quarter-Master General will report to the next session of the General Assembly the claims he may audit under this act, and the proof to sustain each claim reported.

§ 3. That the laws now in force authorizing the auditing and payment of military claims against the State be so construed as to authorize the payment of claims for subsistence furnished to recruits for Kentucky regiments: *Provided*, It shall appear that said recruits were in charge of a duly authorized recruiting officer, whose certificate or other adequate proof of the number and value of rations furnished shall also be filed.

How existing laws to be construed.

§ 4. This act shall be in force from its passage.

Approved March 9, 1867.

CHAPTER 1870.

AN ACT for the benefit of the Kentucky Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and nine thousand and twenty-seven dollars and seventy-nine cents (\$109,027 79)

Amount appropriated.

1867.

be, and the same is hereby, appropriated for the benefit of the penitentiary, to be expended for the following purposes :

For addition to cell-house and new cells,	-	\$52,671	40
For improvement and alterations of hemp work-shop,	-	36,117	50
For new hospital,	-	15,662	67
For alterations and improvement in guard-room,	-	2,851	22
For three new cisterns,	-	1,725	00

Commissioners.

§ 2. That Philip Swigert, John B. Temple, S. B. Churchill, and Samuel Gill, or any three of whom, are hereby empowered to contract for the execution of the work and the erection of the buildings contemplated by the first section of this act with the keeper, or other person or persons, according to plans submitted to them, and which they are to decide upon and adopt, having due regard to economy and durability of work, as well as to the adaptation of the buildings to the interest of the State and the general purposes for which they are to be erected. They may select a competent architect to superintend the work.

Their duty.

But said commissioners shall in no event exceed the amounts herein appropriated in making said contract; and the commissioners may make one contract for the erection and completion of all the buildings herein contemplated, or separate contracts for one or more of them, in their discretion: *Provided*, That the commissioners appointed by this section shall be required to advertise in the two newspapers published in Frankfort, and two or more newspapers published in the city of Louisville, for thirty days, for proposals for contracts for said work, and shall let the same to the lowest and best bidder. That if any other than the lessee shall be the contractor, he shall have right of ingress and egress for himself and such hands as he may employ in performing the work: *Provided*, That the said contractor shall pay all charges and expenses incurred for the increase of the guards.

Rights of contractors.

§ 3. That said commissioners are hereby authorized to issue certificates to the Auditor, in favor of the contractor or contractors, for such sum as will pay not more than ninety per cent. for work done as it progresses, at such time as they may deem proper and expedient; but at no time shall they issue any such certificates for work which has not been done.

§ 4. Upon the receipt of any of the certificates provided for in the third section of this act, it shall be the duty of the Auditor to draw his warrant upon the Treasury for said sum corresponding with such certificate, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That in case the keeper shall contract to do said work, or any part of it, he shall have credit for

the work so done by him as it progresses upon the rents due from him to the State so far, under the restrictions and limitations provided for in the third section of this act.

1867.

§ 5. That this act shall be in force from its passage.

Approved March 9, 1867.

CHAPTER 1871.

AN ACT fixing the terms of the Courts of Common Pleas in the Third Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the times of holding the courts of common pleas in the Third Judicial District shall be as follows:

In the county of Larue on the fourth Mondays in February and August, and continue six juridical days. Larue.

In the county of Hardin on the first Mondays in March and September, and continue twelve juridical days. Hardin.

In the county of Grayson on the third Mondays in March and September, and continue six juridical days. Grayson.

In the county of Meade on the fourth Mondays in March and September, and continue six juridical days. Meade.

In the county of Breckinridge on the first Mondays in April and October, and continue six juridical days. Breckinridge.

In the county of Hancock on the second Mondays in April and October, and continue six juridical days. Hancock.

In the county of Ohio on the third Mondays in April and October, and continue twelve juridical days. Ohio.

In the county of Daviess on the second Mondays in May and November, and continue twenty-four juridical days. Daviess.

In the county of McLean on the second Mondays in June and December, and continue twelve days. McLean.

The said above mentioned terms in the said several courts to continue number of days hereinbefore prescribed, provided the business of the courts at said terms may require.

§ 2. The judge of the circuit courts in the several counties at the terms of his courts next preceding the terms of the courts of common pleas as fixed in this act, shall cause juries to be summoned for the said courts of common pleas, in the mode now prescribed by law for circuit courts.

§ 3. This act shall go into effect upon its passage.

Approved March 9, 1867.

1867.

CHAPTER 1877.

AN ACT to continue in force the 3d section of an act in relation to the Banks of the State, approved March 14th, 1862, and re-enacted and approved February 20th, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts 1861-2, pp.
77-8.

§ 1. That the third section of an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the banks of Kentucky,' approved March 14th, 1862," and continued in force by an act approved February 20th, 1864, shall remain in force until otherwise decided by law.

Approved March 9, 1867.

"NOTE.—The banks of Kentucky, under this amendment, are released from the penalties for failing to redeem their liabilities in gold and silver on demand, and authorized to deal in United States treasury notes, upon complying with the conditions prescribed in the section continued in force. As that act has expired, except the portion here continued in force, it is not reprinted."

CHAPTER 1880.

AN ACT to designate the manner of payment of Salaries, Appropriations by the General Assembly, and the Allowances by Courts of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salaries to be
paid in current
funds.

§ 1. That the salaries of all officers of the Commonwealth of Kentucky be, and the same are hereby, made payable in current funds.

Also appropriations by
Legislature, &
allowances by
courts.

§ 2. That all appropriations made by the General Assembly, and all allowances made by the courts of this State, payable out of the public money, be, and the same are hereby, made payable in current funds, and the Auditor of Public Accounts is required to draw his warrant in conformity with the provisions of this act, and in no event shall he be authorized to draw his warrant upon the Public Treasury for any salary, appropriations, or allowance, in gold or silver: *Provided*, That this act shall not be construed as a repeal of the resolution of the present General Assembly providing for the pay of the officers and members of this General Assembly in gold.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1867.

CHAPTER 1882.

1867.

AN ACT in relation to Idiots and Lunatics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of persons who have taken lunatics of color to the Lunatic Asylum, under order of the courts of this Commonwealth having jurisdiction, when said claims are properly certified, as now required by law, as in cases of white persons: *Provided*, The twentieth section of chapter forty-eight, title "Idiots and Lunatics," of the Revised Statutes, shall have been complied with in all respects.

Lunatics of color.

1 R.S., 39.

§ 2. This act shall be in force from its passage.

Approved March 9, 1867.

CHAPTER 1884.

AN ACT to regulate the time of holding the Courts of Common Pleas in the First and Fourteenth Judicial Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the courts of common pleas in the First and Fourteenth Judicial Districts in this Commonwealth shall commence in the counties at the times hereafter specified, and shall be held the number of juridical days allotted to each term, if the business of the court shall require it, viz:

First District.—In the county of Calloway, on the first Monday in March and September, and continue, each term, twelve juridical days.

Calloway.

In the county of Marshall, on the second Monday in March and September, and continue, each term, twelve juridical days.

Marshall.

In the county of McCracken, on the first Monday in April and October, and continue thirty juridical days, each term.

McCracken.

In the county of Ballard, on the fourth Mondays in May and November, and continue, each term, eighteen juridical days.

Ballard.

In the county of Hickman, on the third Monday in June and December, and continue, each term, eighteen juridical days.

Hickman.

In the county of Fulton, on the second Monday in January and July, and continue, each term, eighteen juridical days.

Fulton.

Fourteenth District.—In the county of Webster, on the first Monday in May and November, and continue, each term, eighteen juridical days.

Webster.

- 1867.**
Henderson. In the county of Henderson, on the fourth Monday in May and November, and continue, each term, twenty-four juridical days.
- Hopkins.** In the county of Hopkins, on the first Monday in January and July, and continue, each term, eighteen juridical days.
- Union.** In the county of Union, on the first Monday in February and August, and continue, each term, twenty-four juridical days.
- Crittenden.** In the county of Crittenden, on the first Monday in March and September, and continue, each term, twelve juridical days.
- Livingston.** In the county of Livingston, on the first Monday in April and October, and continue, each term, eighteen juridical days.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1867.

CHAPTER 1885.

AN ACT requiring Judges of the County Courts and Justices of the Peace to execute Bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judges
to execute
bond.

§ 1. That it shall be the duty of the several judges of the county courts of this Commonwealth, within sixty days after the passage of this act, to execute an obligation or bond, payable to the Commonwealth, with good and sufficient security, to be approved by the clerk of the circuit court, in substance as follows: "We, A B, as judge —, and C D and E F, his sureties, do hereby covenant and agree with the Commonwealth of Kentucky, that the said A B will faithfully discharge all the duties of said office, and pay over, in due time, to the proper person, all money which may be received by him, as judge aforesaid, for fines, taxes, judgments rendered, or executions. Given under our hands this — day of —"

Also justices
of the peace &
police judges.

§ 2. That it shall be the duty of the several justices of the peace [and] police judges of this Commonwealth to execute a like obligation or bond within the same time, to be approved by the clerk of the county court.

§ 3. The bond, when so executed, shall be entered on the records of the county court, and a copy shall be transmitted by the clerk, within one month thereafter, to the Auditor, to be by him recorded and preserved.

§ 4. That said judges and justices shall renew their bonds every two years thereafter, or oftener if required by the court of the office in which the bond is recorded.

§ 5. That the Commonwealth, or any person aggrieved, may institute suit on said bond for any money not paid over by said judge or justice.

1867.

§ 6. That any judge or justice of the peace failing, without sufficient excuse, to execute bond as required by this act, shall be deemed guilty of a misdemeanor, and subject to indictment by the grand jury, and, on conviction, shall be fined in a sum not less than fifty nor more than three hundred dollars; one third of said fine shall be for the benefit of the attorney for the Commonwealth prosecuting the indictment.

Penalty.

§ 7. That the bond shall not be deemed satisfied until the Commonwealth and every person aggrieved has been recompensed.

§ 8. That any judge or justice of the peace who shall fail to execute the bond required by this act, shall be deemed guilty of a violation of his official duty, and, upon indictment by the grand jury of his county, may be fined in a sum not less than fifty nor more than two hundred dollars, thirty per cent. of which said fine shall be for the benefit of the attorney for the Commonwealth prosecuting such indictment.

Approved March 9, 1867.

CHAPTER 1891.

AN ACT to amend "An act to authorize Guardians, Trustees of Wards, and *cestui que trusts*, to make Investments in Real Estate," approved February 21st, 1863.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to authorize guardians, trustees of wards, and *cestui que trusts*, to make investments in real estate, approved February 21st, 1863, be so amended that the real estate of wards or *cestui que trusts* may be exchanged for other real estate, of equal value, in the same manner and subject to all the provisions and restrictions embraced in the act to which this is an amendment, in relation to the investment of the money of such wards and *cestui que trusts* in land; and upon such exchange being thus made and confirmed by the court may cause conveyance to be made of the real estate exchanged in the same manner as if the same had been sold under a decree of court.

Myers, 254.

Exchange of
real estate au-
thorised.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1867.

LAWS OF KENTUCKY.

1867.

CHAPTER 1904.

AN ACT further to provide for Changes of Venue in Civil Actions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Change of
venue in cer-
tain actions.

§ 1. That in all civil actions involving an inquiry into the title, boundary, or damages to real estate or mines, pending, or which may be hereafter brought, in a county other than that in which such property or some part thereof is situated, either party to such action shall, upon motion before trial in the court in which the action is pending, upon reasonable notice to the adverse party or his or their attorney, be entitled to a change of venue to the county in which said real estate or some portion thereof is situated.

§ 2. That changes of venue under this act shall, in all other respects, be regulated and controlled by by existing laws.

§ 3. This act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 1905.

AN ACT in regard to Home Guard and other Arms in the hands of citizens of this State.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Home guard
arms, &c.

§ 1. That no citizen of this State shall be held pecuniarily responsible for home guard arms or other munitions of war, the property of this State placed in his hands by the authorities of this State during the late war, if said arms have been seized and taken away from him by soldiers of either army, or by guerrillas or other armed force.

Duty of Quar-
ter-Master
General.

§ 2. That the Quarter-Master General is hereby instructed to use such means as may be necessary to collect and place in the arsenal at Frankfort all arms and munitions of war, the property of this State, now in the hands of citizens of the State.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1867.

CHAPTER 1913.

AN ACT for the benefit of the Negroes and Mulattoes of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capitation and other taxes collected from Negro paupers. negroes and mulattoes shall be set apart and constitute a

separate fund for the support of their paupers and the education of their children, as hereinafter provided.

1867.

§ 2. In addition to the capitation tax already levied by the laws of this Commonwealth, a tax of two dollars shall be levied on every male negro and mulatto over the age of eighteen years, which shall be assessed and collected as other taxes and go into the fund aforesaid.

Tax of \$2 on each negro.

§ 3. The commissioner of taxes in each county shall keep a separate column in his book for the enlistment of taxable property of negroes and mulattoes, and in which the names of all the male negroes and mulattoes over the age of eighteen years shall be recorded.

Separate tax.

§ 4. The taxes collected under this act shall be applied exclusively to the support of the negro and mulatto paupers, and the education of negro and mulatto children in the county in which it was collected.

Taxes—how applied.

§ 5. The sheriff shall pay over said fund to the county treasurer; and if there be no county treasurer, it shall be the duty of the annual court of claims to elect, every two years, a receiver, to whom the sheriff shall pay the fund aforesaid. The receiver shall execute bond, with good security, approved by the presiding judge, for the faithful performance of his duties. The county treasurer, or receiver, shall hold said fund subject to the order of the annual court of claims.

To whom sheriff shall pay fund.

§ 6. The trustees of each common school district in the county may cause a school to be taught in their district for the education of negro and mulatto children in said district; and shall report to the county school commissioner the number of children in attendance at said school during the year, for not less than three months; and the county school commissioner shall report to the annual court of claims all the negro schools thus taught in the county; and said court shall allow, out of the fund aforesaid, two dollars and fifty cents (\$2 50) for each scholar who has attended school three months, or a longer period. The county judge, when said appropriation is made, shall draw his warrant on the county treasurer, or receiver, in favor of the county school commissioner, for the aggregate amount thereof; and the county school commissioner shall pay the same proportionately to the trustees of each school district, to be applied by them in defraying the expenses of the said school for the year. The county school commissioner shall report annually to the Superintendent of Public Instruction the number of negro schools taught, number of children in attendance, and amount paid by him under this act. The county commissioner shall be responsible, on his official bond, for the school fund that passes into his hands. The court may allow him a reasonable sum for his services, as aforesaid, to be paid

Negro schools.

Allowance per scholar.

How paid.

To whom paid.

Report.

County commissioner.

1867.

Teachers.

out of the fund. No person shall be a teacher under this act, unless he has first obtained a certificate from the county commissioner certifying that he is qualified, and is a proper person to teach the schools herein provided for.

Residue of
fund for sup-
port of negro
paupers.

§ 7. The residue of said fund shall constitute the negro and mulatto pauper fund of the county. It shall be the duty of the county court to provide for the taking care of the negro and mulatto paupers in the county. It shall be the duty of the court of claims to audit the claims of such persons in the county who have taken care of and provided for negro or mulatto paupers, under the order of the county judge; and, when a claim is allowed, the court shall authorize the presiding judge to draw his warrant on the county treasurer, or receiver, in favor of the claimant, for the amount thereof.

Garnishee of
debts due negro.

§ 8. It shall be the duty of the sheriff of each county to notify any one who is indebted to a negro or mulatto the amount of his taxes under this act, that he will subject the amount thereof to the payment of said tax; whereupon, it shall be the duty of the debtor to pay, when due, the amount of said negro's taxes to the sheriff, and the payment by the debtor shall be a discharge of so much of the indebtedness.

Myers, 738.

§ 9. An act, entitled "An act for the benefit of the negroes and mulattoes of this Commonwealth," approved February 16, 1866, is hereby repealed.

§ 10. The funds collected from each county and paid into the Treasury under said act, shall be drawn from the Treasury by the county court of the county in which they were collected, to be disposed of by said court under the provisions of this act.

§ 11. This act to take effect from its passage.

Approved March 9, 1867.

CHAPTER 1930.

AN ACT for the benefit of Turnpike Roads within this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stonequarriers § 1. That all turnpike road companies in this State be allowed to charge stone quarries toll for the distance used by them, whether they pass through the toll-gate or not.

§ 2. This bill to take effect from its passage.

Approved March 9, 1867.

LAWS OF KENTUCKY.

97

CHAPTER 1985.

1867.

AN ACT to appropriate Money to pay the Debts created for Repairs on the Green, Barren, and Kentucky Rivers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Commissioners of the Sinking Fund to cause to be audited and settled the accounts of the Board of Internal Improvement and the President and Superintendents of the same, from 1863 to the present time, and to report the same to the next session of the General Assembly, with the proof; and said Superintendents are required, when notified to do so by the Commissioners of the Sinking Fund, to present their accounts and proof to said Commissioners: *Provided*, That when it shall appear that any one of the creditors of Green and Barren river and the Kentucky river improvements shall have advanced money or labor which has not been returned or paid for, the Commissioners are authorized and directed to report the same to the Auditor, stating the name of the person to whom due and the sum due to each; and it shall be the duty of the Auditor to draw his warrant on the Treasurer to each person for the sums due to him, to be paid out of the sum that may be received from the General Government for sums due for transportation on said rivers. If no money shall be received from that source by the first day of July next, then to be paid out of any money in the Treasury not otherwise appropriated.

Sinking Fund Commissioners to settle accounts of Board of Internal Improvement, &c.

Creditors of Green and Barren.

§ 2. This act to take effect from its passage.

Approved March 9, 1867.

CHAPTER 1986.

AN ACT to increase the Salary of the State Librarian:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of two hundred dollars, in addition to the present salary, be, and the same is hereby, appropriated annually to the State Librarian, payable as his salary is now paid by law.

Salary of Librarian.

§ 2. This act shall be in force from its passage, and shall operate from and after the 1st day of January, 1867.

Approved March 9, 1867.

1867.

CHAPTER 1987.

AN ACT to repeal an act, entitled "An act for the benefit of the Covington and Lexington or Kentucky Central, and Louisville and Frankfort and Lexington and Frankfort Railroad Companies," approved March 2, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fare reduced.

§ 1. That an act, entitled "An act for the benefit of the Covington and Lexington, or Kentucky Central, and Louisville and Frankfort and Lexington and Frankfort Railroad Companies," approved March 2d, 1865, be, and the same is hereby, repealed. This act shall apply to any charter which may be granted to incorporate any other company which may refer to and be included in the act approved March 2d, 1865.

§ 2. This act shall take effect sixty days after its passage.

Approved March 9, 1867.

CHAPTER 1988.

AN ACT to repeal an act, entitled "An act for the benefit of the Louisville and Nashville Railroad," approved March 2d, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fare reduced.

§ 1. That an act, entitled "An act for the benefit of the Louisville and Nashville Railroad Company," approved March 2d, 1865, be, and the same is hereby, repealed.

§ 2. This act shall take effect sixty days after its passage.

Approved March 9, 1867.

CHAPTER 1989.

AN ACT to amend chapter fifteen of the Revised Statutes, title "Citizens, Expatriations, Aliens."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 236.
Alien may inherit and devise real estate after he declares intention, &c.

§ 1. That section 1st, article 3, chapter 15, of the Revised Statutes, title "Citizens, Expatriations, Aliens," be so amended, that said section shall read as follows: An alien, not being an enemy, shall, after he has declared his intention to become a citizen of the United States, according to the forms required by law, be enabled to recover, inherit, hold, and pass by descent, devise or otherwise, any interest in real or personal property, in the same manner as if he were a citizen of this State.

§ 2. This act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 1991.

1867.

AN ACT to amend section 1 of an act, entitled "An act to prevent the wanton destruction of fish in Green River and its tributaries," and section 21, chapter 7, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to prevent the wanton destruction of fish in Green River and its tributaries," approved 15th February, 1858, and section 1, chapter 7, of the Revised Statutes, approved March 10th, 1856, be, and the same are so amended, as to allow netting and trapping for fish in Big Barren river and its tributaries: *Provided*, That no person or persons shall, in any manner whatever, obstruct navigation in any of said streams, under the penalties now fixed by law.

Netting and trapping allowed, but not to obstruct navigation.

§ 2. This act to take effect from its passage.

Approved March 9, 1867.]

CHAPTER 1992.

AN ACT authorizing the Governor to supply the County Courts of this Commonwealth with measures and weights.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be, and he is hereby, authorized to supply the several county courts of this Commonwealth with the standard dry and wet measures weights whenever he is properly informed that any of the said county courts are not so supplied.

Governor may supply certain measures.

§ 2. This act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 1999.

AN ACT for the benefit of the several County Courts of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judges of the several county courts of this State are hereby authorized to cause to be summoned the justices of the peace of their respective counties, to attend and constitute a court, for the purpose of revising the county levy for the year 1867, and, if necessary, increase the same sufficient to pay the claims allowed at their court of claims for the year 1866, although it may exceed one dollar and fifty cents per levy.

Levy of 1867 may be revised so as to meet indebtedness.

§ 2. That said courts shall have the further power to levy and collect such additional *ad valorem* tax for their

County courts may levy *ad valorem* tax to pay interest on debts.

1867. respective counties as may be required to enable them to pay the interest, or so much of the principal as may be due, of any indebtedness of said counties heretofore contracted according to law.

§ 3. This act shall take effect and be in force from its passage.

Approved March 9, 1867.

CHAPTER 2002.

AN ACT for the benefit of School District No. 1, in Harrison county, and other School Districts similarly situated.

WHEREAS, The trustees of school district No. 1, in Harrison county, refused or failed to report to the common school commissioner of said county the colored school taught in said district in the year 1866; and whereas, the commissioner states that said school was taught as a common school under the provisions of the act approved February 16, 1866; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Colored schools
in Harrison and
other counties.

That the report of the said school, made by the commissioner to the Superintendent of Public Instruction, shall be the sufficient warrant for the said Superintendent to allow and certify the same to the Auditor, and that this act shall go into effect from its passage, and shall apply to any other colored schools in regard to which the facts are similar.

Approved March 9, 1867.

CHAPTER 2017.

AN ACT amending "An act authorizing sheriffs and other collecting officers to attach for the payment of State revenue and county levy," approved March 1, 1863.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers, 401.

§ 1. That an act, entitled "An act authorizing sheriffs and other collecting officers to attach for the payment of State revenue and county levy," approved March 1, 1863, be so amended as to embrace all descriptions of taxes imposed by any law, whether local or general in their character.

§ 2. This act shall go into effect on its passage.

Approved March 9, 1867.

CHAPTER 2027.

1867.

AN ACT to amend Section 21, Chapter 7, Revised Statutes, Title "Boats and Navigation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judges of this Commonwealth, justices of the peace, and police judges of cities and towns, shall have concurrent jurisdiction with the circuit and criminal courts of this Commonwealth of the offenses enumerated in section 21, chapter 7, of the Revised Statutes, title "Boats and Navigation:" *Provided*, That the penalty of imprisonment, as authorized by said section, shall not be inflicted, except by proceedings in the circuit or criminal courts.

1 R. S., 208.

§ 2. That it shall be the duty of ~~such~~ judges and justices, upon the application of any person, ~~to issue a warrant against any person or persons charged of being guilty of any of the offenses mentioned in said section, directed to the sheriff, any constable of the county, or to the marshal of any city or town, commanding such sheriff, constable, or marshal to arrest, and forthwith [bring] such person or persons before the judge or justice issuing said warrant, to be tried and dealt with according to law.~~

Warrant to be issued.

§ 3. That in such cases, where a navigable stream is the boundary line between two counties, it shall be lawful for the sheriff or any constable of either county to execute such warrant.

Where stream is boundary between two counties.

§ 4. That it shall be lawful for any such judge or justice, in case he shall enter judgment against any person or persons so charged and tried before him for such fine as is authorized by said section, to issue forthwith a *capias pro fine* for both the fine and cost; and in case where the warrant has been issued upon information of any person, such person shall be entitled to one half of the fine.

Capias pro fine to issue.

§ 5. This act shall take effect and be in force upon its passage.

Approved March 9, 1867.

Section 21, of chapter 7, of Revised Statutes, reads as follows:

"§ 21. Whoever shall erect, or cause to be erected, or aid in erecting, in or across any navigable or river stream, a fish-dam, slope, stop-wire, or hedge, or any other obstruction to the passage of fish or the navigation of such river or stream, shall be imprisoned not less than thirty, nor more than ninety days, and fined not less than ten nor more than fifty dollars. But this section shall not embrace mill-dams or bridges erected in or across navigable streams pursuant to law."

1867.

CHAPTER 2029.

AN ACT to amend Chapter 28, Section 22, Revised Statutes, entitled
"Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Governor may
offer reward for
apprehension of
persons en-
gaged in mob or
unlawful as-
semblage.

§ 1. That section 22, of chapter 28, of the Revised Statutes, entitled "Crimes and Punishments," be, and the same is, so amended, that whenever the Governor of this Commonwealth receives satisfactory information of the organization of a mob or an assemblage of persons, for unlawful purposes, threatening the destruction of life or property, or for the purpose of menacing and threatening any citizen or citizens of this Commonwealth, he is hereby authorized to issue his proclamation and offer a reward, not exceeding five hundred dollars, for the apprehension of any person or persons engaged in such organized mob or unlawful assemblage.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1867.

[NOTE.—The precise section of chapter 28, of Revised Statutes, proposed to be amended by this act, cannot be gathered from the title.]

CHAPTER 2031.

AN ACT to change the times of holding the Courts in the Eleventh Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bath,

§ 1. That hereafter the circuit courts shall be held in the county of Bath on the second Mondays of March and September, and continue twelve juridical days.

Magoffin.

§ 2. That the Magoffin circuit court shall commence on the third Mondays of May and November, and continue six juridical days.

Morgan.

§ 3. That the circuit courts shall be held in the county of Morgan on the Mondays succeeding the Johnson circuit courts, and continue twelve juridical days.

§ 4. This act to take effect on 1st day of April, 1867.

Approved March 9, 1867.

CHAPTER 2041.

AN ACT to amend Chapter 28, Article 4, title "Crimes and Punishments," of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 R. S., 390.
Rape on infant
under 12 years
of age.

§ 1. That whoever shall be guilty, and convicted of the crime of rape upon the body of an infant under the age of

twelve years of age, shall be punished with death by hanging.

1867.

§ 2. That whoever shall attempt to commit a rape upon the body of an infant under the age of twelve years of age, shall be confined in the jail and penitentiary of this Commonwealth not less than five nor more than twenty years, at the direction of a jury.

Attempt to commit rape.

§ 3. That whoever shall unlawfully and carnally know any woman, against her will or consent, or by force, or whilst she is insensible, shall be guilty of rape, and shall be confined in the jail and penitentiary of this Commonwealth for not less than two and more than twenty years, at the discretion of a jury.

Rape upon woman—punishment.

§ 4. That all laws contrary to the provisions of this act are repealed, and this act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 2042.

AN ACT to amend the Penal Laws of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person or persons shall willfully and knowingly entice, persuade, or otherwise influence any person or persons who have contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired, without the consent of the employer, shall be fined, upon conviction thereof, in any sum not exceeding fifty dollars, upon the indictment of a grand jury; and be liable to the party injured thereby for such damages as he or they may have sustained, recoverable before any court having jurisdiction.

Penalty for enticing laborer away from employer.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1867.

CHAPTER 2043.

AN ACT to amend the laws in relation to Agent of the Auditor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Agent of the Auditor shall be allowed for all sums of money which he may hereafter cause to be recovered and actually paid into the Treasury of this State under the law creating said agency and acts amendatory thereto, now remaining unrepealed, to-wit: at the rate of thirty-three and one third per cent. on the first fifteen thousand dollars, and all over that sum at the

Agent of Auditor—compensation.

1867. rate of twelve and one half per cent., paid as aforesaid into the Treasury during the year.

§ 2. The Auditor of Public Accounts shall settle with said Agent as is now provided by law, and in the month of July of each year, and such settlement in July shall close the amount for the year in which it is made.

§ 3. This act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 2044.

AN ACT to amend an act, approved 17th February, 1866, entitled "An act to amend an act to amend Article 3, Chapter 86, Revised Statutes," approved September 30, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers. 424, 425,
790, 752.

§ 1. That in all cases wherein a judgment or decree for the sale of an infant's real estate has been rendered, upon the petition of the guardian of such infant, and a sale has been made under such judgment or decree, and it shall appear that there are such errors or defects in the proceedings in which the judgment or decree was obtained as will or may vitiate the same, it shall be lawful for any purchaser of the estate, under such judgment or decree, to file his petition in the court rendering the same, making the infant and all other persons interested parties, reciting the facts of such proceeding, judgment or decree, and sale, and averring that the sale was fairly made, and at the reasonable value of the property; and that the price was paid by the purchaser; and that the price paid was expended by the guardian in the necessary support, education, and nurture of the infant, or had been invested upon ample security for the benefit of the infant, and that the court, through inadvertence or oversight, had failed to confirm the sale; and that the sale was, at the time, beneficial to the infant, which petition shall be sworn to by the purchaser.

§ 2. Upon the filing of such petition, and the parties being regularly before the court, it shall proceed to hear proof; and, if satisfied of the truth of the allegations, it shall render a judgment or decree confirming the original judgment, or decree and sale, which shall render the same as valid and binding in all respects as if the original proceedings had been, in every particular, according to the requirements of the law.

§ 3. This act shall take effect from its passage, and continue in force three years thereafter.

Approved March 9, 1867.

CHAPTER 2045.

1867.

AN ACT to fix the rent of the Kentucky Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the keeper shall hold his office for four years from the 1st March, 1867, subject to the liabilities, terms, and conditions, and entitled to the rights, privileges, and advantages as prescribed in this act, to-wit:

First. The Commissioners of the Sinking Fund shall loan to the keeper thirty thousand dollars in raw materials (if so much be received by the State from the outgoing keeper) during his term of office, for which he shall pay to them, annually, interest at the rate of six per cent. per annum, until the principal is returned; and for the payment of the principal and interest shall execute bond, payable on or before the termination of his term of office, providing therein for the payment of the interest annually to said Commissioners, with sufficient sureties, to be approved by them.

Second. The keeper shall have the use and control of the penitentiary, and all the buildings attached thereto, together with all the machinery, fixtures, tools, and other property of the State therein, and receive and have all the proceeds of the labor of the convicts therein, and all the profits and emoluments from the operations of the penitentiary; and shall be bound to keep in good order all the buildings, machinery, fixtures, tools, and other property, and return all the property so received by him in as good order as when the same shall have been received by him, unavoidable accidents by fire as respects the buildings and machinery only excepted.

Third. The keeper shall be bound to pay into the Treasury to the credit of the Sinking Fund, at the end of each year of his term of office, the sum of sixteen thousand dollars.

Fourth. In the event of a fire or fires occurring in the institution, without any fault on the part of the keeper, his assistants, or guards, the General Assembly, if in session, and if not, the Commissioners of the Sinking Fund, shall cause to be erected, as soon as practicable, such other permanent and suitable buildings as they may deem best for the interest of the State, not exceeding in cost ten thousand dollars, to be paid out of any money in the Treasury to the credit of the Sinking Fund; and the Commissioners of the Sinking Fund shall make such deduction from the annual sum to be paid by the keeper as they may deem equitable and just for the loss of the use of the buildings; and their decision shall be subject to the ratification of the Legislature. The cost of erecting the necessary temporary

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LAWS OF KENTUCKY:
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to be made to him therefor.
Fifth. If, during the term of office of the keeper, the
Commissioners of the Sinking Fund shall deem it neces-
sary to cause additional machinery to be erected, the
State shall not, under any circumstances, be chargeable
with a sum therefor exceeding ten thousand dollars; and
the keeper shall give bond, with adequate security, to
be approved by the Governor, that he will return the
machinery so erected in as good order as when erected,
and will pay the State, annually, six per cent. per annum
on the amount expended in erecting such machinery. The
State reserves to itself the right of purchasing from the
keeper of the penitentiary, at the termination of his term
of office, at a fair cash value, any machinery which he
may erect at his own cost in the penitentiary.
Sixth. If any of the amounts herein required to be paid
by the keeper after the same shall become due and payable, it
shall be the duty of the Commissioners of the Sinking
Fund to cause a judgment to be rendered against the
keeper and his sureties, at the [next] or any succeeding term
of the Franklin circuit court, for the amount so due and
unpaid, by motion, in the manner and with like penalties,
that judgments are or shall be rendered against defaulting
sheriffs, or other collectors of the public moneys.
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Seventh. The said keeper, in addition to the payment of said sums of money, shall, at his own expense, furnish the necessary guards; feed and clothe the convicts, giving them coffee at least once every day; appoint his own clerk, and pay him for his services; furnish all the necessary beds and bedding for the convicts; pay the liberation money to the convicts; all necessary physicians' bills, and all the necessary expenses in maintaining and carrying on said institution, and save the State harmless of all expense connected with the management of the same during his term of office.

Eighth. The Governor shall appoint three Inspectors of the penitentiary, one of whom shall be a practicing physician, who shall hold their offices for two years, unless sooner removed by the Governor. It shall be the duty of the Inspectors to examine into all matters connected with the government, discipline, and police of the penitentiary, and make a report thereof every three months to the Governor. The penitentiary shall be visited at least once each week by two of said Inspectors, and as much oftener as shall be prescribed by the Governor or Commissioners of the Sinking Fund. Each Commissioner shall receive one hundred dollars per annum for his services, payable out of any money in the Treasury to the credit of the Sinking

Fund. No Inspector of this penitentiary shall become interested, directly or indirectly, in the profits thereof, or of its management.

1867.

Ninth. The keeper shall employ one or more reputable physicians, at his own expense, whose duty it shall be to examine, weekly, into the health and situation of each convict, and report to the Governor whether any convict is kept at work when, from disease, he is unfit for labor; whereupon it shall be the duty of the Governor to cause said convict to be changed to other work, or released from work, until said physician shall pronounce his health sufficiently restored for labor. The keeper shall give written information to the Governor of his employment of a physician, and of each change of employment. For failure to comply with the provisions of this section, he shall forfeit one thousand dollars, to be recovered by suit on his bond in the Franklin circuit court, and applied by the Commissioners of the Sinking Fund to carry out this provision.

Tenth. If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

Eleventh. In the event of the death or removal from office of the keeper of the penitentiary, the Governor, Secretary of State, and Auditor shall make a contract with a suitable person to take charge of the penitentiary, according to the provisions of this act, until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified.

Twelfth. Before the penitentiary shall be placed in the charge of the keeper elect, he shall execute bond, with sufficient sureties, to be approved by the Governor, to the Commonwealth, for his faithful performance of the duties of his office, and compliance with the provisions of this act; and if at any time, before his term of office shall expire, his sureties shall be considered by the Commissioners of the Sinking Fund insufficient to secure the State from loss, he shall be compelled to give additional sufficient security.

Thirteenth. All laws relative to the penitentiary, in conflict with the provisions of this act, are hereby repealed; and all laws not inconsistent with its provisions shall remain in full force until changed by the Legislature. Nothing herein contained shall prevent the Legislature from passing such laws as may be deemed necessary to the welfare and reformation of the convicts.

§ 2. The raw materials which may be on hand, at the expiration of the keeper's term of office, not exceeding twenty thousand dollars in value, and which shall be suit-

1867.

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Fifth. If, during the term of office of the keeper, the Commissioners of the Sinking Fund shall deem it necessary to cause additional machinery to be erected, the State shall not, under any circumstances, be chargeable with a sum therefor exceeding ten thousand dollars; and the keeper shall give bond, with adequate security, to be approved by the Governor, that he will return the machinery so erected in as good order as when erected, and will pay the State, annually, six per cent. per annum on the amount expended in erecting such machinery. The State reserves to itself the right of purchasing from the keeper of the penitentiary, at the termination of his term of office, at a fair cash value, any machinery which he may erect at his own cost in the penitentiary.

Sixth. If any of the amounts herein required to be paid by the keeper of the penitentiary shall remain unpaid for ten days after the same shall become due and payable, it shall be the duty of the Commissioners of the Sinking Fund to cause a judgment to be rendered against the keeper and his sureties, at the [next] or any succeeding term of the Franklin circuit court, for the amount so due and unpaid, by motion, in the manner and with like penalties, that judgments are or shall be rendered against defaulting sheriffs, or other collectors of the public moneys.

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Twelfth. Before the penitentiary shall be placed in the charge of the keeper elect, he shall execute bond, with sufficient sureties, to be approved by the Governor, to the Commonwealth, for his faithful performance of the duties of his office, and compliance with the provisions of this act; and if at any time, before his term of office shall expire, his sureties shall be considered by the Commissioners of the Sinking Fund insufficient to secure the State from loss, he shall be compelled to give additional sufficient security.

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Sixth. If any of the amounts herein required to be paid by the keeper of the penitentiary shall remain unpaid for ten days after the same shall become due and payable, it shall be the duty of the Commissioners of the Sinking Fund to cause a judgment to be rendered against the keeper and his sureties, at the [next] or any succeeding term of the Franklin circuit court, for the amount so due and unpaid, by motion, in the manner and with like penalties, that judgments are or shall be rendered against defaulting sheriffs, or other collectors of the public moneys.

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Tenth. If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

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Tenth. If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office; the Governor shall have full power, and it shall be his duty, to remove him forthwith.

Eleventh. In the event of the death or removal from office of the keeper of the penitentiary, the Governor, Secretary of State, and Auditor shall make a contract with a suitable person to take charge of the penitentiary, according to the provisions of this act, until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified.

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Thirteenth. All laws relative to the penitentiary, in conflict with the provisions of this act, are hereby repealed; and all laws not inconsistent with its provisions shall remain in full force until changed by the Legislature. Nothing herein contained shall prevent the Legislature from passing such laws as may be deemed necessary to the welfare and reformation of the convicts.

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1867.

buildings shall be borne by the keeper, and no allowance is to be made to him therefor.

Fifth. If, during the term of office of the keeper, the Commissioners of the Sinking Fund shall deem it necessary to cause additional machinery to be erected, the State shall not, under any circumstances, be chargeable with a sum therefor exceeding ten thousand dollars; and the keeper shall give bond, with adequate security, to be approved by the Governor, that he will return the machinery so erected in as good order as when erected, and will pay the State, annually, six per cent. per annum on the amount expended in erecting such machinery. The State reserves to itself the right of purchasing from the keeper of the penitentiary, at the termination of his term of office, at a fair cash value, any machinery which he may erect at his own cost in the penitentiary.

Sixth. If any of the amounts herein required to be paid by the keeper of the penitentiary shall remain unpaid for ten days after the same shall become due and payable, it shall be the duty of the Commissioners of the Sinking Fund to cause a judgment to be rendered against the keeper and his sureties, at the [next] or any succeeding term of the Franklin circuit court, for the amount so due and unpaid, by motion, in the manner and with like penalties, that judgments are or shall be rendered against defaulting sheriffs, or other collectors of the public moneys.

Seventh. The said keeper, in addition to the payment of said sums of money, shall, at his own expense, furnish the necessary guards; feed and clothe the convicts, giving them coffee at least once every day; appoint his own clerk, and pay him for his services; furnish all the necessary beds and bedding for the convicts; pay the liberation money to the convicts; all necessary physicians' bills, and all the necessary expenses in maintaining and carrying on said institution, and save the State harmless of all expense connected with the management of the same during his term of office.

Eighth. The Governor shall appoint three Inspectors of the penitentiary, one of whom shall be a practicing physician, who shall hold their offices for two years, unless sooner removed by the Governor. It shall be the duty of the Inspectors to examine into all matters connected with the government, discipline, and police of the penitentiary, and make a report thereof every three months to the Governor. The penitentiary shall be visited at least once each week by two of said Inspectors, and as much oftener as shall be prescribed by the Governor or Commissioners of the Sinking Fund. Each Commissioner shall receive one hundred dollars per annum for his services, payable out of any money in the Treasury to the credit of the Sinking

Fund. No Inspector of this penitentiary shall become interested, directly or indirectly, in the profits thereof, or of its management.

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Ninth. The keeper shall employ one or more reputable physicians, at his own expense, whose duty it shall be to examine, weekly, into the health and situation of each convict, and report to the Governor whether any convict is kept at work when, from disease, he is unfit for labor; whereupon it shall be the duty of the Governor to cause said convict to be changed to other work, or released from work, until said physician shall pronounce his health sufficiently restored for labor. The keeper shall give written information to the Governor of his employment of a physician, and of each change of employment. For failure to comply with the provisions of this section, he shall forfeit one thousand dollars, to be recovered by suit on his bond in the Franklin circuit court, and applied by the Commissioners of the Sinking Fund to carry out this provision.

Tenth. If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office; the Governor shall have full power, and it shall be his duty, to remove him forthwith.

Eleventh. In the event of the death or removal from office of the keeper of the penitentiary, the Governor, Secretary of State, and Auditor shall make a contract with a suitable person to take charge of the penitentiary, according to the provisions of this act, until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified.

Twelfth. Before the penitentiary shall be placed in the charge of the keeper elect, he shall execute bond, with sufficient sureties, to be approved by the Governor, to the Commonwealth, for his faithful performance of the duties of his office, and compliance with the provisions of this act; and if at any time, before his term of office shall expire, his sureties shall be considered by the Commissioners of the Sinking Fund insufficient to secure the State from loss, he shall be compelled to give additional sufficient security.

Thirteenth. All laws relative to the penitentiary, in conflict with the provisions of this act, are hereby repealed; and all laws not inconsistent with its provisions shall remain in full force until changed by the Legislature. Nothing herein contained shall prevent the Legislature from passing such laws as may be deemed necessary to the welfare and reformation of the convicts.

§ 2. The raw materials which may be on hand, at the expiration of the keeper's term of office, not exceeding twenty thousand dollars in value, and which shall be suit-

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able for the manufactures conducted in the penitentiary, may be secured by the State, at fair wholesale cash valuation, in payment of so much of the loan to said keeper, and shall be delivered to the incoming keeper at the same valuation, in part of the thirty thousand dollars directed to be loaned to him by the first sub-division of section one. The valuation shall be made by three competent and disinterested persons, mutually selected and agreed upon by the outgoing keeper, the incoming keeper, and the Commissioners of the Sinking Fund, who shall be duly sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before proceeding to make the valuation. Both the outgoing and incoming keeper shall have the right to be present at the valuation. If the parties fail to agree, the Governor shall make the selection.

§ 3. In order to determine the condition in which the machinery, fixtures, tools, and other property may be, when received and when returned by the keeper, a valuation of the same, at the commencement and at the termination of the keeper's term of office, shall be made by three skillful and disinterested persons, mutually selected by the outgoing and incoming keepers and the Commissioners of the Sinking Fund, who shall be duly sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before making the valuation. The outgoing and incoming keeper shall be entitled to be present at the valuation.

§ 4. The clothing, beds, and bedding for the convicts, and other necessary furniture of the penitentiary, shall in like manner be valued, at the commencement and termination of the keeper's term of office, by appraisers appointed by the Commissioners of the Sinking Fund; and the keeper shall be bound to leave at the termination of his office an equal value of clothing, beds and bedding, and other necessary furniture, with that he received at the commencement of his term of office. If there is a deficiency, the keeper shall pay the deficiency in cash; if there is an excess, then the keeper may withdraw the excess, or the Commissioners of the Sinking Fund may allow him a cash credit for the value of such excess. The appraisers shall be sworn, and both keepers shall have the right of being present, as provided in the preceding section.

§ 5. In the event of the death or removal from office of the keeper, valuations shall be made of all the articles of property named in the three preceding sections by appraisers appointed by the Commissioners of the Sinking Fund, who shall be sworn, as provided in said sections, before making said valuations; the valuations prescribed in this and the preceding sections shall be written out, and the

articles so enumerated or described as to be identified, subscribed by the appraisers, and filed with the Commissioners of the Sinking Fund, and by them preserved.

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§ 6. The keeper shall employ, at his expense, a minister of the Gospel, whose duty it shall be to give to the convicts such religious and mental instruction as said minister may think necessary and beneficial to the convicts.

Approved March 9, 1867.

CHAPTER 2049.

AN ACT to increase the resources of the Sinking Fund, and to provide for the immediate payment of the Debt of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sums of money to which the State of Kentucky may establish a claim against the General Government, for advancements made in the payment of and equipping troops, &c., be, and the same is hereby, transferred to and placed under the control of the Board of Commissioners of the Sinking Fund, and said Board are hereby authorized and required to collect, and receive, and apply the same, when received, first, to pay any sum that may be due or owing the Sinking Fund by the State or any department thereof, and secondly, to pay any deficiency that may be in the State Treasury, and thirdly, add and apply any and all sums received by the Board, under the provisions of this act, not used and necessary for the purposes aforesaid, to the resources of the Sinking Fund, subject to the future control and direction of the General Assembly: *Provided*, That any and all sums which may have been paid into the Treasury since the 1st day of January, 1867, arising from the claims aforesaid, shall be disposed of as directed and required by this act: *Provided further*, That said funds shall be used first for the payment of the bonds of the State issued prior to the adoption of the Constitution, next to the payment of the bonds issued for military purposes.

Money to be obtained from U. S. to be transferred to Commissioners of Sinking Fund—how to be applied.

§ 2. That said Commissioners of the Sinking Fund may constitute an agent, commissioned by the Governor, under the seal of the State, to receive, in payment of any debt due from the Government of the United States to this Commonwealth, from the disbursing or paying officer of such claims, the bonds of the Government of the United States, made in the usual mode, and which may pass by delivery for all or any part of the sums to be paid, and give receipts or acquittances for the bonds received.

Commissioners may appoint agent.

§ 3. That the Commissioners of the Sinking Fund may constitute, by order of the Board, certified by the Governor

Agencies to receive bonds.

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and attested by the Secretary of the Board, with the seal of the State attached, one or more agencies, individuals, or corporations within the United States, to receive the bonds of the General Government and place them on deposit, which, together with the accumulating interest, when received, shall be placed to the credit of the Commissioners of the Sinking Fund, subject to the draft and order of the President of said Fund, made pursuant to the order of the Board to accompany the draft. The bonds so received to be held in trust to pay the bonds of the State of Kentucky now due and to fall due, on or before the 2d day of September, 1873. When any such bonds of the State of Kentucky shall be presented at any of the agencies so created for payment, whether due or not, such agent may, under the directions of the Board of Commissioners, deliver the bonds of the Government of the United States in lieu and satisfaction of the bond or bonds of the State of Kentucky, the exchange to be made at the market value of each of the securities; and thereupon, and at that time, said agent shall cause the bond of the State to be canceled with the usual canceling mark, and a cross-mark drawn across the name of the Governor and Secretary of State, and shall cause them, thus canceled, to be forwarded to the Commissioners of the Sinking Fund, at the Capital of Kentucky, in the manner directed by the Board.

Duty of agents.

§ 4. That it shall be the duty of any agent who may receive the bonds of the Government to make a list of the same, amount, date, and maturity of each bond so received; and when he shall deliver any of them to any of the agencies under the order of the board, a list shall also be made by the agency who may receive the same, which lists shall be forwarded and bear the signature of the officer of such agency; and if a corporation, under the seal of the corporation; and when bonds are paid out, a like list shall be made and forwarded to the Commissioners of the Sinking Fund; and if the Government of the United States holds any of the bonds of the State of Kentucky of the description herein given, the receiving agent may receive such bonds in discharge of so much of the debt due from the Government, or receive and redeliver the bonds of the Government in satisfaction (the exchange being made at the rate of each security), canceling as herein directed, and noting amount, date, and maturity, of each bond.

How debt due State may be paid.

§ 5. That, with a view to an expeditious liquidation of the debt of the State of Kentucky, said commissioners are authorized, in the manner herein directed, to receive the notes of the Government, denominated legal tender notes, in satisfaction of said sums due from the Government, if the bonds cannot be had; and in every respect place said

notes and use the same for the purpose the bonds may be used.

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§ 6. That the Board of Commissioners of the Sinking Fund may place such portion as they may deem necessary of the funds of the State, known as the resources of the Sinking Fund, on deposit with the agencies aforesaid, on such terms as may be agreed to, to be held in trust for the purposes aforesaid. It shall be the duty of the agencies accepting the trust hereby created to pay off and cancel, as herein directed, any bond of the State of the description recited, and forward any bond so paid and canceled to the Board of Commissioners.

Agencies may be revoked.

§ 7. That the Board of Commissioners may revoke any agency and create others when deemed proper and necessary. They shall, from time to time, make a record of all bonds canceled, and report to the Legislature the agencies created, the nature of the agreement with them, and a list of the bonds canceled.

§ 8. That the State of Kentucky being now ready and willing to pay all the indebtedness of the State constituting a charge on the Sinking Fund, and contemplated to be paid by the Constitution, now enacts that no interest will be paid on any such bonds of the State after their maturity; and if not presented for payment at one of the agencies created by the Board in twelve months after maturity, such bonds will be deemed canceled, and thereafter will only be paid at the pleasure of the State. The bonds held by the Board of Education are not embraced in this act, and any one having the custody of any of said bonds, who shall present them for payment, shall be held guilty of a felony, and imprisoned on conviction, at the discretion of the jury.

No interest to be paid after 12 months.

§ 9. That it shall be the duty of the Governor to make proclamation of the purport of this act, and to make known the agencies created by the Board, and to advise all holders of the bonds of the State to apply at one of those agencies for payment; which proclamation he may cause to be published in any of the newspapers in the United States, or foreign States and Kingdoms where he may believe the bonds are held.

Governor to issue proclamation.

§ 10. That any agent, or the employee of any agent, under the provisions of this act, who shall embezzle or use the bonds herein described for his own benefit, or shall fail to cancel said bonds, and shall use the same for his own use and purpose, shall be deemed and held guilty of a felony, for which such offender, on indictment and trial, may be convicted and sentenced to confinement in the penitentiary for a period not less than two nor more than four years.

Embezzlement.

§ 11. This act to be in force from its passage.

Approved March 9, 1867.

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CHAPTER 2058.

AN ACT in relation to Common Carriers, their Agents and Servants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Common carriers must keep tariff of local and way freight posted.

§ 1. That all persons and corporations doing business as common carriers in this Commonwealth, whose rates of freight and passage are limited by law, shall be required to print and post, and keep posted, in some conspicuous place, in each office occupied by them for freight and passenger purposes, a tariff of the local and way freights charged upon all such articles as are usually transported by them, and of any changes which may, from time to time, be made in such rates; and also a list of the rates to which they are limited by law, and a plain reference to the dates of the passage of all laws by which such limitations are imposed; which tariff and lists shall be signed by the superintendent, or other principal managing agent of the person or corporation in whose name they are published.

Penalty.

§ 2. That any common carrier mentioned in the first section, who shall fail to cause to be printed, posted, and kept posted, as required by the first section, the tariff and lists therein mentioned, shall be subject to a fine of fifty dollars for each month during which such failure shall continue; and any superintendent or managing agent, who shall knowingly and willfully cause to be printed and posted, as aforesaid, a false tariff of the rates charged, or of the rates to which such carriers are limited by law, shall be subject to a fine of five hundred dollars for each offense. The fines imposed by this section shall be recoverable by indictment, in the name of the Commonwealth, in any court having jurisdiction of similar offenses.

§ 3. Any common carrier mentioned in the first section, who shall charge and demand from the consignee of any article transported by him a greater rate of freight than that to which such carrier is limited by law, shall forfeit all right to demand or receive from such consignee any price whatever for the transportation of such article; and the consignee in such case shall be entitled to demand and receive from the agent of such carrier, in whose possession or control it may be, the immediate delivery of the article upon which such over-charge is made—the consignee paying to the carrier only such charges, if any, as may have been advanced by him on such article.

§ 4. This act shall be in force from its passage.

Approved March 9, 1867.

CHAPTER 2059.

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AN ACT to cede to the United States the jurisdiction over the National Cemeteries in this State, to exempt from taxation, and to protect the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jurisdiction over the lands, parcels, or lots of ground purchased, obtained, used, or occupied by the United States, her officers or agents, for the burial of the Union dead, in the following described cemeteries, burial places, and parts thereof, and over such other lands and parcels of ground as may hereafter be required, purchased, obtained, used, or occupied by said common government for such purposes, together with all the buildings, improvements, and other property belonging thereto or connected therewith in this Commonwealth, is hereby ceded to and vested in the said United States, so long as such premises may be used, occupied, or required for the purpose of sepulture and the public service, except for the punishment of offenses hereinafter provided: Perryville National Cemetery, near Perryville, in Boyle county, about four acres; London, near London, Laurel county, about two acres; Camp Nelson, Jessamine county, about four acres; Lebanon, near Lebanon, Marion county, about two acres; Mill Springs, near Logan's Cross Roads, about two acres.

Jurisdiction over certain Federal Cemeteries in Kentucky ceded to the United States.

§ 2. That all places of sepulture, lands, buildings, fixtures, improvements, and property of the United States thereon or connected therewith, shall be held exonerated and exempt from any and all taxation and assessments under the authority of this State, or any county or other municipality therein, so long as the same shall remain in the use or occupation of the United States.

Cemeteries exempted from taxation.

§ 3. That any willful, reckless, or voluntary mutilation of the graves, monuments, fences, shrubbery, ornaments, or grounds or buildings in or inclosing said cemeteries or places of sepulture, shall subject the offender or offenders each to a fine of not less than ten dollars, to which may be added, in the discretion of the jury or court trying the case, imprisonment in the county jail or work-house not exceeding six months, to be prosecuted before any court having competent jurisdiction.

Penalty for mutilation of graves, &c.

§ 4. This act shall take effect from its passage.

Approved March 9, 1867.

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CHAPTER 2079.

AN ACT to provide further for the distribution of Cofer's Digest.

WHEREAS, The act passed at the present session of the General Assembly directing the purchase and distribution of Cofer's Digest of the Decisions of the Court of Appeals, inadvertently omitted to direct a copy thereof to be sent to the clerk of each county court; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Copy to be
sent to county
clerks.

§ 1. That the Secretary of State, in distributing said work, shall transmit a copy thereof to each county court clerk, to be held and accounted for by them as other public books.

§ 2. This act shall take effect from its passage.

Approved March 9, 1867.

CHAPTER 2081.

AN ACT for the benefit of the sureties of Thos. S. Page.

WHEREAS, It appears to the satisfaction [of the] present General Assembly that the examinations of the Auditor's Office, provided for by section 4, of article 2, chapter 101, of the Revised Statutes, were not made by former legislative committees, from 1851 to 1860, in any effectual way; that during said period new duties were assigned the Auditor, Thomas S. Page, and performed by him under certain acts of the Legislature, and which new duties were not germane to his office; and that, under legislative sanction, said Auditor was permitted to have access to the books of his office, and bring up the unfinished business of his office to 1st January, 1860, after his official term had expired; and that these things greatly increased the risk and responsibilities of the sureties of said Auditor in his bonds of 1851 and 1856, respectively, without the consent of the sureties or any of them; and whereas, said bonds have been put in suit, and the litigation thereon is still pending—there having been one trial and a hung jury; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Terms of settlement.

§ 1. That, upon condition that judgment against the principal in each of said bonds, shall be rendered for the amount claimed by the Commonwealth, viz: Both amounting in the aggregate to eighty-eight thousand dollars, with interest from date of judgment, and all fees and costs, and on further condition that one half of this amount is realized to the Commonwealth by payment

of the money into the Treasury, then the said suits on said bonds are to be dismissed.

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Approved March 9, 1867.

CHAPTER 2084.

AN ACT to tax the Shares of Capital in Banks and Banking Associations, established under a law of Congress of the United States of America, usually denominated National Banks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an annual tax, of not at a greater rate than is levied upon other money capital in the hands of individual citizens of this State, is assessed and levied on the shares of capital stock held by any person or body corporate in any bank or banking association, established or doing business, or located within, this Commonwealth, under the law of the Congress of the United States of America, usually denominated National Banks: *Provided*, That the tax hereby imposed shall not exceed the rate of tax upon the shares of the capital stock of any of the banks organized under the authority of this State.

Shares of capital stock in National banks taxed as shares of other banks.

§ 2. That the president, cashier, or other chief officer of any such banks or banking associations, shall, by the first day of March in each year, report to the Auditor of Public Accounts a true and correct list and statement of the names of each stockholder, the amount of stock held by each, and the par value of each share of the capital stock in any such bank or banking association of which he is the president, cashier, or chief officer; and the Auditor shall annually, by the 10th day March in each year, notify the president, cashier, or other chief officer of any of said banks or banking associations, the amount of tax to be paid on the shares of the capital stock of such bank or banking association; and upon the payment of the amount to the State Treasurer, and the filing of his receipt therefor with the Auditor, he shall execute and deliver to the bank or banking association a quietus for the tax on the shares herein directed for that year, and the amount shall be charged to the Treasurer on account of the Sinking Fund: *Provided*, That if any such bank or banking association elect to pay said tax each year, as herein provided, to the Treasurer, the list of stockholders herein required shall be dispensed with by the Auditor for the year the payment is made: *And provided further*, That said tax is paid by the twenty-second day of March in each year.

Report to be made to Auditor.

§ 3. That on the failure, refusal, or neglect of any president, cashier, or other chief officer of any such bank or banking association, to furnish to the Auditor by the first

Penalty for failing to report

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day of March, in each year, the list and statement required to be furnished by the second section of this act, such president, cashier, or other chief officer of such bank or banking association, shall forfeit and pay to the Commonwealth of Kentucky the sum of five hundred dollars, to be recovered by motion, in the name of the Commonwealth, in the Franklin circuit court, with costs of suit and ten per cent. damages; and a fee of fifty dollars shall be taxed as part of the plaintiff's costs, which the Attorney General shall be entitled to receive for his services in prosecuting said action to a recovery. And the Commonwealth shall have right to summon as a witness in said action any officer of any such bank or banking association, and cause the production in court on the trial the stock-book of said bank or banking association, and to cause to be taken therefrom the list of names and number of shares of the capital stock held by each person, corporation, or copartner, on the first day of March in each year.

Duty of As-
sessor.

§ 4. That on the failure, refusal, or neglect of any such bank or banking association to pay said tax on the shares of capital stock, as provided by this act, by the twenty-second day of March, in each year, the Auditor shall, immediately after that day, notify the proper assessor of the State revenue of the non-payment of the tax by the bank or banking association thus failing or refusing or neglecting, and shall furnish said assessor with such facts as may be within the Auditor's possession as to the number of shares, par value, and owners' names of said stock; and said assessor shall include in the tax list of each person, corporation, or copartners, the said shares of stock held by such person, corporation, or partners, on the first day of March in each year, and a tax of fifty cents upon each share of said stock shall be annually paid by the holder of said stock.

§ 5. That this act shall take effect from its passage.

Approved March 11, 1867.

CHAPTER 2085.

AN ACT to amend the third Article of Chapter 86, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ R. S., 304.

§ 1. That in all cases wherein a judgment for the sale of infant's real estate has been heretofore rendered, or may be hereafter rendered, in the courts of this Commonwealth authorized to render such judgments, upon the petition of the non-resident guardian of such infant or infants, and a sale or sales of the estate have been made under such judgment, and it shall appear that there are

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defects or errors in the proceedings in the procurement of the judgment that will or may vitiate the same by the said non-resident guardian failing to make application by petition in a summary way to the county court of the county having jurisdiction to appoint a guardian, as provided in section 17, article 2, chapter 43, of the Revised Statutes, entitled "Guardian and Ward," it shall be lawful, if the sale has been confirmed, and the court in which said judgment was rendered having no further jurisdiction of the case, for such non-resident guardian to file a petition in equity, setting forth the error in said judgment and sale, and making all parties interest therein parties plaintiffs or defendants; and when all parties are thus before the court, it shall be the duty of said court to enter an order of judgment confirming said erroneous or invalid sale, and order a conveyance of said land to the purchaser thereof.

§ 2. That if the cause in which such an erroneous judgment and sale has been made is still on the docket of the court which made said judgment, and under the control thereof, or has not been confirmed by the court making said judgment sale, then such non-resident guardian may file an amended petition in the cause in which said erroneous judgment was rendered, setting forth the facts of such error; and it shall be the duty of the court to confirm the sale made under such erroneous judgment, and the same shall be as valid and binding on the parties to said action and amended petition as if the error in said proceeding had never occurred: *Provided*, That no such confirmation shall be made unless the court shall be satisfied from the evidence adduced in support of the petition that the sale or sales have been beneficial to the infants.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1867.

CHAPTER 2096.

AN ACT supplemental to an act to amend the law in relation to the selection and payment of Jail Guards, approved March 9th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That nothing contained in the act to which this is a supplement, shall be construed to repeal the laws now in force regulating the appointment of jail guards for the jails in Louisville.

§ 2. This act to take effect from its passage.

Approved March 11, 1867.

[NOTE.—This act appears to have been inadvertently sent to the Governor, since the Legislative Journals and the original engrossed bill show that it did not pass both branches of the General Assembly.]

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CHAPTER 2100.

AN ACT to authorize Sheriffs and other collecting officers to receive United States Treasury Notes and the Notes of National Banks in payment of public taxes, &c., and directing the Treasurer to disburse the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Taxes may be paid in legal tender notes, and other national currency

§ 1. That the sheriffs and other collecting officers of this Commonwealth be, and they are hereby, authorized to receive in payment of taxes and other public dues the currency known as United States legal tender notes, and the notes of the various National Banks, established by the authority of the United States: *Provided*, That the notes of said banks when received are current and at par with legal tender notes; and it shall be the duty of the Treasurer to receive into the Public Treasury said currency, and pay the same out in discharge of all claims upon the Commonwealth.

§ 2. This act to take effect from its passage.

Approved March 11, 1867.

CHAPTER 2106.

AN ACT requiring the Assessors of tax in this Commonwealth to report the first name in full of all persons whose lists he may take.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First name of tax-payer to be reported.

§ 1. That the several assessors of tax in this Commonwealth shall hereafter report in full the first name of all persons whose lists are taken.

§ 2. This act to take effect the first day of January, 1868.

Approved March 11, 1867.

RESOLUTIONS.

No. 36.

RESOLUTION in regard to election of United States Senator.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the joint order of the two Houses fixing the eighth day of this session for the election of United States Senator be, and the same is hereby, rescinded, and that the two Houses will proceed to said election on Tuesday, the 15th instant, in conformity with the mode prescribed by the act of Congress approved 25th July, 1866.

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Approved January 10, 1867.

No. 37.

RESOLUTIONS in regard to the proposed Amendment of the Constitution of the United States.

WHEREAS, The Congress of the United States did, at the first session of the Thirty-ninth Congress, propose to the Legislatures of the several States, as an amendment to the Constitution of the United States, the following:

"ARTICLE XIV.

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

"SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other

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crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each House, remove such disability.

"SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

AND WHEREAS, the same has been officially laid before this Legislature for its consideration and action; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the proposition to amend the Constitution of the United States as aforesaid be, and the same is hereby, rejected.

2. *Resolved*, That the Governor be requested to notify the proper departments of the United States Government of this action of the Kentucky Legislature in regard to said proposed amendment.

Approved January 10, 1867.

No. 38.

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RESOLUTIONS in regard to the Post-Office Address, &c., of the Members of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Sergeant-at-Arms of the Senate and House of Representatives prepare an alphabetical list of the members of the General Assembly, showing the county and districts represented by them, the expiration of their term of office, occupation, post-office address, and place of boarding in Frankfort; and that 350 copies be printed for the use of the Representatives, and 150 copies for use of Senators.

2. That so much of said list, when prepared, as gives the name, county, and district, and post-office address of the Representatives and Senators, be entered upon the Journals of the respective houses.

Approved January 10, 1867.

No. 39.

RESOLUTION directing the Secretary of State to place Myers' Supplement to the Revised Statutes in Library.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Secretary of State be, and he is hereby, directed to deposit in the State Library fifty (50) copies of Myers' Supplement to the Revised Statutes.

Approved January 10, 1867.

No. 40.

RESOLUTION appointing a Committee to Report a Joint Rule governing the two Houses when in Joint Session.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of five, consisting of three members of the House and two of the Senate, be appointed to report a joint rule governing the proceedings of the two Houses when in joint session.

Approved January 11, 1867.

1867.

No. 41.

RESOLUTION appointing Joint Committee to Investigate the Subject of Railroads in this Commonwealth.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of three from the House and two from the Senate, be appointed by the Speaker of each House, whose duty it shall be to investigate the whole subject of railroad laws in this Commonwealth, and inquire what legislation, if any, is necessary to protect the people of this Commonwealth from excessive charges on freight and passengers, and also to damage done to their persons or property. That said committee have power to send for persons and papers; and be instructed to report by bill otherwise.

Approved January 15, 1867.

No. 42.

RESOLUTIONS in relation to Establishing a House of Refuge in this Commonwealth.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That so much of the Governor's message as relates to the establishment of a House of Refuge for the correction of youths in this State, be referred to a special committee of five members, two of whom shall be appointed by the Speaker of the Senate, and three by the Speaker of the House of Representatives.

2. That it shall be the duty of said committee to collect and report such facts and information as they can obtain by correspondence with institutions of like character in other States, and by visiting the House of Refuge, at the city of Louisville, and conference with its superintendent and managers, as will enable the Legislature to determine the expediency of establishing such an institution in this State.

3. That if, in the opinion of said committee, it be expedient to establish such an institution, it shall be their duty to report a bill for the establishment and government of the same.

Approved January 22, 1867.

No. 43.

1867.

RESOLUTION in regard to the Call of Yeas and Nays on Passage of Bills Appropriating Money.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That it shall be the duty of the Clerk of each House to indorse on every bill for the appropriation of money over one hundred dollars, that the same has been passed upon call of yeas and nays and by the constitutional majority, and said indorsement shall be copied on the enrolled bill by the Enrolling Clerk.

Approved January 24, 1867.

No. 44.

RESOLUTION in relation to the Gold Medals awarded to James Artus and others.

WHEREAS, Under a resolution of the Legislature of Kentucky, approved February 17th, 1860, the Governor has procured and has now ready for delivery, four gold medals; one for James Artus, of Mason county, Kentucky; one for Dr. William T. Taliaferro, now of Cincinnati, Ohio, but late of Kentucky; one for John Tucker, late of Mason county, Kentucky; and one for John Norris, now of Boone county, Kentucky, survivors of the Kentucky Volunteers, who, at the request of Commodore Perry, with such ready alacrity and heroism repaired on board his fleet and assisted in achieving the glorious victory of 10th September, 1813, over the British fleet on Lake Erie; and whereas, the Auditor of Public Accounts declines to issue his warrant for the cost of said medals, because the journals of the two Houses do not show that said resolution was passed in the manner prescribed by the Constitution; now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts draw his warrant on the Treasury for the sum of four hundred and forty dollars, the cost of said medals, in favor of the Governor; and to be paid out of any money in the Treasury not otherwise appropriated.

Approved January 24, 1867.

RESOLUTIONS.

1867.

No. 45.

RESOLUTION appointing Joint Committee to inquire into the expediency of giving State aid to Railroads.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of five from the House and three from the Senate be appointed to inquire into the expediency of granting State aid toward constructing railroads in this State, and that said committee report by bill or otherwise.

Approved January 25, 1867

No. 46.

RESOLUTION appointing a Committee to take into consideration the reduction of the State Taxes.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Committee on Finance in the Senate and House of Representatives, constitute for that purpose a joint committee to inquire into the current expenditures and receipts of the State under its revenue laws, and, if consistent with the public interest, report a bill reducing the present rate of taxation.

Approved January 29, 1867.

No. 47.

RESOLUTION in relation to the Sinking Fund.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Committee of the Sinking Fund of the Senate and House of Representatives constitute for that purpose a joint committee to inquire into and report the resources, and the sources and annual amount of its income, and charges on the fund; what the amount of the debt of the State contemplated to be discharged by that fund, and when the same matures; what amount on hand, and by bill provide for the payment of the debt of the State by the application of all surplus sums received from time to time over the current charges. That said committee also prepare a bill providing for the application, when received from the General Government, the sums due to the State to the payment of the debt created in arming and equipping the forces of the State who entered the service of the United States, with provision to authorize the proper authority to receive the bonds of the General Government in lieu of

money, and to substitute such bonds when received for the bonds of the State, or otherwise convert them to pay said debt.

1867.

Approved February 5, 1867.

No. 48.

RESOLUTION in relation to Mrs. M. J. Stone.

WHEREAS, Mrs. M. J. Stone is a widow and entirely indigent, and having a daughter who is feeble-minded, and now but four and a half years of age; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners and Superintendent of the Institution for the Education of Idiots and Feeble-minded Children are directed to receive said child into said institution without pay for her support.

Approved February 5, 1867.

No. 49.

RESOLUTION providing for a Joint Committee on Internal Improvement.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the standing committees on Internal Improvement in each House of this General Assembly, do hereby constitute a joint committee, and they are instructed to inquire into the expediency of selling the stock now owned by the State in the internal improvements of this State, with the view of investing the proceeds in other works of internal improvement yet to be made; and that they report by bill or otherwise.

Approved February 19, 1867.

No. 50.

RESOLUTION directing the Payment of the Members and Officers of this General Assembly in Gold.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts, in his settlement with the members and officers of this General Assembly, for their per diem and mileage, be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in their favor for the same, payable in gold.

Approved February 19, 1867.

1867.

No. 51.

RESOLUTION to Print and Distribute in Pamphlet Form the General Laws of this session.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Public Printer, immediately after the adjournment of this present Legislature, print in pamphlet form, properly indexed, a sufficient number of the general laws passed at this session to furnish the Governor and each Head of Departments, the State Librarian, each Judge of the Court of Appeals, Circuit Court, County Court, and the Clerks of said Courts, the Attorney General, each Commonwealth's Attorney and County Attorney, the Chancellor of the Louisville Chancery Court, the Judge of the Court of Common Pleas at Louisville, and the Clerks of said Courts, and each Member of this General Assembly, one copy, each, of the same. He shall send them, postage paid, to the above named officers and persons, the postage to be paid upon the warrant of the Auditor upon the certificate of the Public Printer as to the amount thereof.

2. This resolution to take effect from its passage.

Approved February 27, 1867.

No. 52.

RESOLUTION directing Printing of Synopses of General Laws and Titles of Private Laws, passed at this session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer print 5,000 copies of a synopses of the general acts and the titles of private acts of this session, and that he forward the same, by mail, to the members of this General Assembly.

Approved February 27, 1867.

No. 53.

RESOLUTION providing for a Recess of this General Assembly from the 21st to the 27th of February, 1867.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That when the two Houses of this General Assembly adjourn, on Thursday next, they will adjourn to meet again on the 27th instant, at 10 A. M.

2. That the use of the Hall of the House of Representatives is hereby tendered to the Democratic State Con-

vention, which is to assemble in this place on the 22d of February, 1867. 1867.

3. That the use of the Hall of the House of Representatives is hereby tendered to the Union State Convention, which is to assemble in this place on the 26th of February, 1867.

Approved February 28, 1867.

No. 54.

RESOLUTION providing for Paying John G. Carlisle and others.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of John G. Carlisle for the sum of seventy-five dollars, being the amount expended by him as costs in contesting the seat of M. M. Benton as a Senator from the 24th District; and in favor of M. J. Dudley, Thos. Reed, and J. F. Herbert, for the sum of nineteen dollars, each, in payment of the necessary expenses incurred by them as witnesses in the said case. The said sums to be paid out of any money in the Treasury not otherwise appropriated.

2. That this resolution shall take effect from and after its passage.

Approved February 28, 1867.

No. 55.

RESOLUTION providing for Election of Two Managers of the Eastern Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That, on Saturday, the 2d day of March next, at 12 o'clock, M., the two Houses of the General Assembly will proceed to elect two Managers of the Eastern Lunatic Asylum, at Lexington, in place of Henry M. Skillman and John S. Wilson, whose terms of office have expired.

Approved March 2, 1867.

No. 56.

RESOLUTION in regard to the Bank of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the chairmen of the Committees on Banks in each House, and two other members from the House and one

1867.

from the Senate, of the General Assembly, be, and they are hereby, directed to proceed to Louisville and examine into the condition and management of the affairs of the Bank of Kentucky. That they have power to send for persons and papers, and all needful powers to insure a thorough investigation of the subject, and that they report what legislation, if any, is necessary in relation thereto.

Approved March 2, 1867.

No. 57.

RESOLUTION amendatory of the resolution to pay the Members of the General Assembly in gold.

WHEREAS, A resolution of this General Assembly has passed both Houses, directing the Auditor to draw his warrant for the per diem and mileage of the members and officers in gold; and whereas, some of the members have drawn in currency all the per diem and mileage due them to the present time, while others have not drawn anything; now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That where any member or officer shall heretofore have drawn any portion of his per diem and mileage in currency, that he shall, upon depositing in the Treasury the amount in currency so drawn by him, and producing to the Auditor the certificate of the Treasurer of such fact, be entitled to receive from the Auditor a warrant for the full amount of his per diem and mileage, payable in gold; and the Treasurer is directed to pay said warrant in gold, and if there be not sufficient gold in the Treasury for that purpose, then the Treasurer is authorized to buy a sufficient quantity to enable him to comply with this resolution.

Approved March 4, 1867.

No. 58.

RESOLUTION in relation to a final adjournment of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That when the two Houses of the General Assembly adjourn on Monday, the 11th day of March next, they will adjourn *sine die*.

Approved March 4, 1867.

No. 59.

1867.

RESOLUTION for the benefit of W. C. Halbert.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and is hereby, directed, in his settlement with W. C. Halbert, as Senator from the 31st Senatorial District, his per diem for the session of 1865 and 1866, to allow said Halbert his per diem for said entire session except twenty-two days.

Approved March 8, 1867.

No. 60.

RESOLUTION requesting Congress to Donate the Harrodsburg Springs Grounds to the Independent Order of Odd Fellows.

WHEREAS, The Grand Lodge of the Independent Order of Odd Fellows of Kentucky, at its last annual meeting, resolved to establish a Home for the Widows and Orphans of the Order, and a College or University, the same to be permanently located at Harrodsburg, Kentucky; and whereas, the grounds adjacent to the town of Harrodsburg, belonging to the Government of the United States, known as the Springs or Asylum grounds, is a suitable location for said institution, and the said grounds being no profit to the Government, but, on the contrary, a continual expense; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators and Representatives in Congress from Kentucky be, and are hereby, requested to procure, if possible, a grant or donation of said grounds to the Grand Lodge of the Independent Order of Odd Fellows of Kentucky, for the purpose above stated.

Approved March 8, 1867.

No. 61.

RESOLUTION to Pay S. P. Love \$76 45, his Costs in Contested Election Case vs. O. P. Johnson.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of S. P. Love for the sum of seventy-six dollars and forty-five cents, being the amount expended by said Love as costs in contesting the election of O. P.

RESOLUTIONS.

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Johnson, as a Senator from the 8th Senatorial District, said money to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 9, 1867.

No. 62.

RESOLUTION directing the Secretary of State to furnish certain books.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That it shall be the duty of the Secretary of State, in the distribution of public books in the year 1867, to cause to be sent one copy each of the Session Acts of 1865 and 1866, and of Harvey Myers' Supplement to the Revised Statutes, to W. J. Lusk, Richard Bell, and all other members of the present Legislature who have not received copies of the same.

Approved March 9, 1867.

No. 63.

RESOLUTION for the benefit of Ezra Younglove, a Soldier of the War of 1812.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor cause to be made a suitable gold medal to be given to Ezra Younglove, one of the surviving soldiers who fought under Commodore Perry in the gallant action on Lake Erie, in the war of 1812; said medal not to exceed in cost medals bestowed on other persons for similar services; and that the Auditor be directed to draw his warrant on the Treasury for the amount of the cost of the above medal.

Approved March 9, 1867.

No. 64.

RESOLUTION in reference to Railroad Reports.

WHEREAS, It is important that the General Assembly should be fully informed upon all subjects connected with the construction and operation of railroads within this Commonwealth, so far as such subjects may properly fall within the scope of its legislation; and it is therefore necessary that all owners of railroads within this Commonwealth should be required to report, annually, to the General

Assembly, the detailed history of the construction and operation of their railroads; therefore, be it

1867.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That Messrs. Samuel Gill, Superintendent of the Louisville, Cincinnati, and Lexington Railroads, and Albert Fink, Superintendent of the Louisville and Nashville Railroad, be, and they are hereby, requested to prepare and report to the General Assembly, at its next regular session, a general form in which all the owners of railroads in this State shall be required to make annual report to the General Assembly the detailed history of the construction and operation of their railroads; and further, to make such suggestions to the General Assembly, on the subjects hereby committed to their charge, as they may deem proper.

Approved March 9, 1867.

No. 65.

[RESOLUTION in relation to the Southern Bank of Kentucky.]

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the affairs of the Southern Bank of Kentucky have, in the liquidation through which said bank has passed, been managed [with] fidelity, promptitude, and ability; its officers are therefore entitled to this expression of the General Assembly, and which is now tendered to them as a compliment.

Approved March 9, 1867.

No. 66.

RESOLUTIONS upon the death of E. L. VanWinkle, late Secretary of State.

His Excellency, the Governor, has officially communicated to this General Assembly intelligence of the death of the Hon. E. L. VanWinkle, who was, at the time of his death, Secretary of State of the Commonwealth of Kentucky; and this General Assembly, fully recognizing the many and brilliant virtues that adorned the public and private character of the deceased, is desirous of testifying its respect for his memory and its sorrow for his untimely death; therefore, it is

Resolved by the General Assembly of the Commonwealth [of Kentucky:]

1. That in the death of Ephraim L. VanWinkle, late Secretary of State, the Commonwealth suffered the loss of

RESOLUTIONS.

1867. an able, a faithful, and upright public officer, and of a citizen distinguished for warmth and generosity of heart, and for all the nobler and more attractive virtues of private life.

2. That this General Assembly remembers with esteem and respect the firm convictions of right and duty that characterized the deceased, and the kindness and charity of heart that so greatly distinguished him.

3. That this Assembly tenders to the relatives of the deceased an unfeigned sympathy in their bereavement.

4. That these resolutions be spread at large on the journals, and that the Governor forward a copy of the resolutions to the family of the deceased.

Approved March 11, 1867.

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LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE
GENERAL ASSEMBLY (JANUARY 3, 1867) WHICH
WAS BEGUN AND HELD IN THE CITY OF
FRANKFORT, ON MONDAY, THE 4TH
DAY OF DECEMBER, 1865.

THOS. E. BRAMLETTE, *Governor.*
R. T. JACOB, *Lieut. Governor and Speaker of the Senate.*
HARRISON TAYLOR, *Speaker of the House of Reps.*
JOHN S. VANWINKLE, *Secretary of State.*
JOHN M. HARLAN, *Attorney General.*

CHAPTER 970.

AN ACT to amend an act to incorporate the Town of Mt. Vernon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1867.

§ 1. That the charter of the town of Mt. Vernon be, and the same is, so amended as to authorize the trustees of said town to appoint a marshal, who shall have concurrent jurisdiction, in all criminal and penal cases, with that of a constable in said town, and is allowed the same fees for his services that constables are allowed for similar services. May appoint marshal.

§ 2. But before entering upon the duties of said office, the marshal so appointed shall execute bond, the security to be approved by the board of trustees, conditional for the faithful discharge of the duties required of him by law. Execute bond.

§ 3. That E. T. Fish, Willis Griffin, M. P. Newcum, M. R. Moore, R. D. Cook, be, and they are hereby, appointed trustees of said town, whose term of office shall be until their successors are elected and qualified, as provided under the act to which this is an amendment. Trustees appointed.

1867.

Term of office
of marshal.

§ 4. The marshal, who may be appointed by said board of trustees, shall hold his office until the first Saturday in April, 1867, at which time a marshal shall be elected by the qualified voters of said town, in the same manner and for the same time as provided in said act for the election of trustees.

Vacancies.

§ 5. The board of trustees shall have power, at all times, to fill any vacancy that may occur in the office of town marshal.

§ 6. This act shall take effect from its passage.

H. TAYLOR,

Speaker of the House of Representatives.

RICHARD T. JACOB,

Speaker of the Senate.

Approved January 10, 1867.

THOS. E. BRAMLETTE,

Governor of Kentucky.

By the Governor:

JOHN S. VANWINKLE, *Secretary of State.*By JAS. R. PAGE, *Assistant Secretary.*

CHAPTER 971.

AN ACT to incorporate Deaver Lodge, No. 394, Ancient York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Thomas W. Wash, George A. Williams, Benjamin Swigget, and their associates, be, and they are hereby, created a body corporate, by the name and style of Deaver Lodge, No. 394, of Ancient Free and Accepted Masons; and they and their successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, to plead and be impleaded, to contract and be contracted with, answer and be answered, in all courts of law or equity in this Commonwealth; to make, have, and use a common seal, and to alter or amend the same at pleasure; to make and ordain by-laws for their government, and to alter or amend the same at pleasure, provided they be consistent with the Constitution and laws of the Grand Lodge of Ancient Free and Accepted Masons, and not in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power to acquire and hold personal and real estate not exceeding twenty thousand dollars in value; to dispose of and convey the same at their pleasure. The Legislature reserves the right to repeal or modify this act, but not to interfere with the right of property acquired by said corporation.

Approved January 10, 1867.

CHAPTER 972.

1867.

AN ACT to amend an act to incorporate the Town of London.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of London be, and the same is, so amended as to authorize the trustees of said town to appoint a marshal, who shall have concurrent jurisdiction, in all criminal and penal cases, with that of a constable in said town, and is allowed the same fees for his services that constables are allowed for similar services. But, before entering upon the duties of said office, the marshal so appointed shall execute bond with security, to be approved by the board of trustees, conditioned for the faithful discharge of the duties required of him by law.

Marshal to be appointed.

Execute bond.

§ 2. That A. L. Reid, Robert Boyd, Thomas J. Canifax, John H. Carrier, and John H. Faris, be, and they are hereby, appointed trustees of said town, whose term of office shall be until their successors are elected and qualified, as provided under the act to which this is an amendment.

Trustees appointed.

§ 3. The marshal who may be appointed by said board of trustees shall hold his office until the first Saturday in April, 1867, at which time a marshal shall be elected by the qualified voters of said town in the same manner, and for the same time, as provided in said act for the election of trustees.

Term of office of marshal.

§ 4. The board of trustees shall have power at all times to fill any vacancy that may occur in the office of town marshal.

Vacancies.

§ 2. This act shall take effect from its passage.

Approved January 11, 1867.

CHAPTER 973.

AN ACT for the benefit of Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bath county, a majority of the justices being present and concurring, shall have the power to levy a poll tax upon each tithable of said county, not exceeding five dollars.

§ 2. This act shall take effect from its passage, and continue in force until the extinguishment of the debt of the county created for public buildings and other purposes.

Approved January 11, 1867.

1867.

CHAPTER 974.

AN ACT to charter the Jefferson Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That William K. Thomas, Edward Crutchfield, William E. Hughes, Henry Dent, James Harrison, and William R. Ray, and their successors or assigns, are created a body corporate and politic, by the name of "Jefferson Railway Company," for the term of thirty years, with all the power, authority, and privileges incident to corporations within this State, for the objects and purposes hereinafter mentioned.

Road located, &c.

§ 2. The said Jefferson Railway Company is authorized to cause to be located, made, maintained, and operated, one or more single or double-track railways, with all necessary and convenient tracks for turn-outs, side-tracks, and appendages, from any point or points in the present southwestern line of the city of Louisville, from the north side of Market street to the present south line of said city to the Ohio river, in Jefferson county, and may, from time to time, locate, make, contract, and operate one or more of said single or double-track railways from any point within said boundary to said Ohio river, and may change the same within said boundary at pleasure.

Right of way.

§ 3. The said company are authorized and empowered, from time to time, to procure the right of way for any one or more of said railways and turn-outs and appendages and side-tracks, by contract, gift, or otherwise, or may proceed by writ of *ad quod damnum* from the Jefferson court of common pleas, or Jefferson circuit court, to cause land for said railway or ways and turn-outs, side-tracks, and appendages, such as car sheds and stables, to be condemned in the same way, and with the same responsibility, as prescribed by the charter of the Louisville and Nashville railroad company; and the same power to cause land to be condemned for the objects aforesaid, shall be possessed by said Jefferson railway company as is granted to said Louisville and Nashville railroad company to condemn, by said writ of *ad quod damnum*, land for the purposes and use of said latter road.

First board of directors.

§ 4. The said incorporators named in the first section of this act shall be the board of directors of said company until their successors are elected and qualify; and said corporation, its interests, affairs, business, and management, shall be under the control, direction, and supervision of a board of directors, to consist of six stockholders, resident of this State, each to have and hold in his own right not less than ten shares of the capital stock in said company. The said board of directors shall elect one of their own body president, and may elect or appoint a

President and other officers to be elected, &c.

1867.

clerk, treasurer, and all necessary servants and agents; and if any of the persons named herein as the first board of directors, or any one hereafter elected, refuses or declines to act, or fails to attend the regular meeting of the board without good cause, or should die, cease to be a stockholder, or remove from the State, a majority of the other members of said board may elect some other qualified stockholder to fill such vacancy in the board. The board of directors may, from time to time, make and establish any and all necessary rules and regulations or by-laws for the government of said corporation in all and singular its affairs, business, property, servants, agents, and matters connected with or in anywise pertaining thereto; and may require bond with good surety from its agents, servants, or employees; but such rules, regulations, or by-laws shall not be inconsistent with the constitution and laws of this State or United States; and said board of directors may, from time to time, as they shall deem best for said company, open books for subscription to the capital stock of said company, whenever they may think proper to do so, and may adopt terms of subscription and times of payment for said stock, and may alter the same at pleasure, and may adopt rules for the forfeiture of stock or subscription of stock, if the same is not paid for according to the terms of subscription.

May make rules and regulations, require bonds, &c.

§ 5. The capital stock of said company shall not exceed one million of dollars, divided into shares of fifty dollars each; and said company may organize as soon as fifty shares of said stock is subscribed and secured as directed by the rules, regulations, or by-laws of the company; and said first board of directors may open books at any time for said stock; and said stock shall be transferable upon the books of the company; and all the proceedings and acts, books and papers of the board of directors, at any time during business hours, shall be open to the inspection and examination of any stockholder; and the shares of stock shall be deemed personal property.

Capital stock.

When may organize, &c.

§ 6. The election of directors shall be annually, and voting by shares of stock, each share to count as one vote; and the stockholders shall, within twelve months from the time said company is organized, elect said board of directors as successors of the said corporators.

Election to be held annually.

§ 7. The rate of fare for travel on said railway or cars thereon, may be regulated by the board of directors from time to time, but shall not exceed twenty-five cents for each person; and said company may charter one or more of their cars for special excursions or occasions; and said company shall not be liable for any baggage carried on said railways, kept in and under the care of its owner, his servant or agent, nor for any robbery or theft committed

Rates of fare, &c.

1867.

on any of said cars; and said company shall have the right and authority, by their servants or agents, to eject from any of said cars disorderly, riotous, or drunken person, or any person failing or refusing to pay their fare, and to refuse to permit any such persons to ride on or come into said cars.

Penalty for
obstructing.

§ 8. That any person obstructing said railway or ways, or cars thereon, in any way whatever, or preventing the use thereof for public travel, or who shall willfully damage or injure any of the property of said company, shall, on conviction thereof, be fined in any sum within the discretion of a jury as in cases for a misdemeanor, and shall be liable by civil action to said company.

§ 9. That any person willfully or maliciously placing any obstruction on said railways or road, or otherwise causing the same to be thrown off of the rails, or by placing obstructions thereon, or making holes in the roadway or near thereto, whereby any person or persons are injured or his or her life is endangered, shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the jail and penitentiary of this State for not less than six months nor more than ten years, at the discretion of a jury; and shall be liable to said company for the injury to their property.

No one else
to use road.

§ 10. That no person shall use said roadway or road, or the rails thereof, without the written consent of said company, for a public road, to ride, drive, or lead any animal along and upon the same, or to run any vehicle along and thereon, unless it be to cross said road or way; and any person obstructing the free use of said way or road by the company, by riding, driving, leading, running any animal or vehicle, shall, on conviction, be guilty of a misdemeanor, and fined in the discretion of a jury, and liable to the said company in a civil action for damages.

May use ani-
mal or steam
power.

§ 11. That said company shall have the right to use either animal or steam power to run their cars upon any of said ways or roads; and may, from time to time, contract with other persons or corporations to lay out, construct, maintain, and operate any of said railways or roads; and shall have the exclusive privilege of constructing, or causing to be constructed, said railways within the boundary aforesaid; and shall be subject to the same State taxes similar roads are subjected by the laws of this Commonwealth.

§ 12. This act shall take effect from its passage.

Approved January 11, 1867.

CHAPTER 975.

1867.

AN ACT for the benefit of Henry Stuckey, Clerk of the Louisville Chancery Court.

WHEREAS, By the first section of the act, entitled "An act to amend an act establishing the Louisville chancery court," approved 22d January, 1866, the said clerk, by order of the court, transcribed certain rule dockets, the better to preserve the same, for which the court made him an allowance, to be paid out of the Treasury, the yeas and nays not having been called in the Senate on the passage of said act (the claim exceeding one hundred dollars), the Auditor refused to issue his warrant; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to issue his warrant upon the Treasurer in favor of said Stuckey for the amount of the allowance made him by the chancellor, in pursuance of said act.

§ 2. This act to take effect from its passage.

Approved January 12, 1867.

CHAPTER 977.

AN ACT to incorporate "The Masonic Widow's and Orphan's Home and Infirmary," of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Guthrie, Dr. D. W. Yandell, Wm. Kendrick, Thos. Sadler, John V. Cowling, sr., C. Henry Finck, Dr. E. Richardson, Theodore Schwartz, D. L. Beatty, John W. Gaines, Thomas Q. Loockerman, Wm. Cromeey, Geo. W. Wicks, T. L. Jefferson, John L. Wheat, S. J. Hare, Charles G. Davison, H. B. Grant, and J. M. S. McCorkle, and their associates, be, and they are hereby, created a body corporate and politic, with perpetual succession, by the name and style of "The Masonic Widow's and Orphan's Home and Infirmary;" and by that name are hereby made capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to alter, break, or renew the same at pleasure; and shall have the right to take and hold, by purchase, gift, or devise, real and personal estate, the real estate not exceeding in value the sum of one hundred thousand dollars, exclusive of the improvements thereon, and to dispose of and convey the same at pleasure.

Corporators' names, and corporate powers.

§ 2. The object of said institution shall be to provide and sustain, in or near the city of Louisville, a home for

Object of institution.

1867.

destitute widows and orphans of deceased Free Masons of the State of Kentucky, and an infirmary for the reception of sick and afflicted Free Masons and others who may be placed [in] its charge.

Membership.

§ 3. The membership of said institution shall consist of active and life members, all of whom shall be Free Masons.

When board
of directors to
be elected.

§ 4. There shall be a meeting of the members of the institution called within thirty days after the passage of this act for the purpose of electing a board of directors, to consist of fifteen members, and annually on the first Monday in May thereafter, who shall officiate until their successors are duly elected and qualified. Said board of directors shall elect one of their own members as president, and appoint a secretary, treasurer, and all other subordinate officers and agents necessary to conduct the affairs of the institution, prescribe their duties, and affix such compensation for their service as it may deem proper.

May make by-
laws, &c.

§ 5. The board of directors shall adopt such by-laws and regulations as may be necessary for the government of the institution; fill all vacancies in their own body, and of the officers and agents, that may arise by death, resignation, or otherwise; and a majority of them shall constitute a quorum to do business.

Property ex-
empt from tax-
ation.

§ 6. In view of the beneficent and charitable object to be accomplished by said institution, its property, whether real, personal, or mixed, shall be at all times exempt from city, county, and State taxes.

Misnomer in
any deed, &c.,
not to vitiate
same.

§ 7. A misnomer of the corporation in any deed, gift, grant, or devise, or any instrument or contract, shall not vitiate the same if the corporation shall be sufficiently described therein to ascertain the intention of the parties.

§ 8. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 979.

AN ACT for the benefit of St. Peter's Episcopal Church, Paris.

WHEREAS, Nicholas Warfield conveyed to Garrett Davis, Henry Hopson, Jacob Spears, Robert T. Davis, and John Thomas Kelly, a lot, situate in the city of Paris, for the use of St. Peter's Episcopal Church therein, which is not needed for any church purpose, but the congregation are desirous of selling; and whereas, said Henry Hopson has since deceased; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said surviving trustees, or a majority of them, be empowered to sell said lot and convey the same

to the purchaser; and such conveyance, when made and acknowledged, shall vest the grantee therein with the full, complete, and perfect title to said lot, as fully 'as if the same had not been held in trust.

1867.

§ 2. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 980.

AN ACT to incorporate Neatsville Lodge, 192, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members and all who may hereafter become members of Neatsville Lodge, 192, of Free and Accepted Masons, of the town of Neatsville, in Adair county, Kentucky, be, and they are hereby, created a body politic and corporate, by the name and style of Neatsville Lodge, 192, of Free and Accepted Masons; and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding such real and personal estate as shall be required for the use of said lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they now have or may hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed eight thousand dollars.

§ 2. That the management of the affairs of said corporation shall be, and is hereby, intrusted to the present master, the present senior and the present junior wardens, and their successors in office, as trustees thereof, who, or a majority of whom, shall have all power to make contracts pertaining to real or personal estate of said lodge; and in conveying real estate, all of said trustees shall join in said conveyance.

§ 3. That said lodge shall have power to pass such by-laws, rules and regulations, not inconsistent with the constitution and laws of this Commonwealth, as may be necessary for the property and other interest of said corporation; and may have a common seal, to use and change the same at pleasure.

§ 4. This act shall take effect from its passage.

Approved January 15, 1867.

1867.

CHAPTER 982.

AN ACT to authorize the voters in certain Districts of Boyle County to vote on the levy of a Tax for Railroad purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may order a
vote to be taken

§ 1. That it may be lawful, and the county court of Boyle county, a majority of all of the justices of the peace for said county being present, is hereby authorized and empowered, to order a vote to be taken in all that portion of said county east of Salt river and embraced in districts Nos. 3 and 4, as to whether they are willing to be taxed one hundred thousand dollars to aid in the construction of a railroad from Nicholasville, Kentucky, through Mercer county and by way of Danville, in a southern direction, towards Chattanooga or Knoxville, Tennessee, or some intermediate point.

To fix day, ap-
point officers,
&c.

§ 2. That it shall be the duty of said county court, by proper orders entered of record on the minute book of said court, to fix a day for taking said vote; to appoint two judges, one clerk, and one sheriff, in each voting precinct, to take the sense of the legal voters in said districts on said proposition; and said judges, clerks, and sheriffs shall be sworn and be governed in all respects as are judges, sheriffs, and clerks of elections in elections for State and county officers, except that they shall open the polls at fifteen minutes of 8 o'clock, A. M., and close them at 5 o'clock, P. M.

Two columns
to be opened.

Qualification
of voters.

Poll-book to
be returned to
county court.

§ 3. That the clerk shall open two columns on the book kept by him, in one of which he shall record the names of all voters in favor of being taxed \$100,000 to construct said railroad, and in the other column record the names of all voters against said tax. The judges shall pass upon the qualification of those offering to vote, and in case they differ, the sheriff shall give the casting vote. All persons entitled to vote for State or county officers shall be entitled to vote under this act, who live in said districts. The officers holding said election or taking the vote shall return the poll-books to the county clerk, and same preserved by said clerk in his office; and the county judge of Boyle county, at the first county court after said vote is taken, shall cause a minute to be made on the order book of said court of the result of said vote, and state how many votes were cast for said tax, and how many against said tax.

Sheriff to give
notice of time
of voting.

§ 4. That it shall be the duty of the sheriff of Boyle county to give notice of the time of said vote by printed publication in some newspaper published in Danville, Kentucky, twenty days before the vote is taken on said proposition.

§ 5. That if a majority of votes cast shall be in favor of said tax as aforesaid, then the county court of Boyle county shall levy an *ad valorem* tax on the taxable property, real and personal, in said districts numbers three and four, in said county, sufficient to raise not more than \$50,000 at one time, and which tax shall be a lien on said property held by the various persons owing same until the tax is paid. Said taxes shall be collected as State taxes are collected, and at the same time; and the officer collecting the same shall have full power to distrain for the same in the same manner as sheriffs have in collecting State revenue.

1867.

Proceedings in case majority vote in favor of said tax.

§ 6. That the sheriff of Boyle county shall collect said taxes so levied; but before he does so, he shall execute bond with good security in the county court of Boyle county, payable to the Commonwealth of Kentucky, for the use of Boyle county, conditioned for the faithful discharge of his duties under this act, upon which bond suit may be instituted in the name of the Commonwealth of Kentucky for any breach of said bond. Should the sheriff fail or refuse to give said bond, then the county court of Boyle county shall appoint some other person to collect said taxes, requiring of him a bond as provided for above in case of the sheriff; and said collector shall be liable in the same way on said bond as the sheriff would be had he given the bond.

Sheriff to collect tax.

In case of failure to give bond, collector to be appointed.

§ 7. That the county court of Boyle shall appoint a receiver to collect and receive the taxes collected of the sheriff or collector, and to pay the same to the persons or company the county court of Boyle county may direct. He shall give bond with good security for the faithful discharge of his duties as receiver.

Receiver to be appointed—his duties.

§ 8. That the compensation of the sheriff or persons collecting said taxes shall be three per cent., and the receiver shall receive one per cent.

Compensation for collecting.

§ 9. That no portion of the taxes imposed shall be paid to aid in constructing said railroad until said road shall have been completed to Danville, and the passenger and freight trains are running to that point; but one half of said sum, viz.: \$50,000, shall be paid when said road shall be completed to Danville; and the other half, viz.: \$50,000, shall be paid when said road is completed to some southern connection at Knoxville or Chattanooga, or some intermediate point, but not until said connection is made.

When money to be paid.

10. That this act shall take effect from and after its passage.

Approved January 15, 1867.

1867.

CHAPTER 983.

AN ACT authorizing the County Court of Washington County to issue bonds or borrow money to build a New Jail.

WHEREAS, By an act of this General Assembly, the county court of Washington county was authorized to levy and have collected a tax for the purpose of building a new jail for said county; and whereas, by said act several years will elapse before a sufficient amount of money can be raised to build said jail; and whereas, there is pressing necessity that said jail should be built as soon as possible; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Washington county, a majority of the justices of the peace being present and concurring, may have power to borrow money or issue bonds of said county, for the purpose of building a new jail for said county; the money so borrowed to be paid by the proceeds of the tax heretofore authorized to be levied and collected in said county for the purpose of building said jail; and for this purpose the county judge of said county shall have power to summons the justices of the peace of said county to meet at the court-house in said county by giving them ten days' notice.

§ 2. This act to take effect from its passage.

Approved January 15, 1867.

CHAPTER 986.

AN ACT to change the time of holding the County Court, the Quarterly Court, and Court of Claims, in and for Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the court of claims in and for Madison county shall hereafter be holden annually on the third Monday in June, and may continue in session one week if necessary. The quarterly court in and for Madison county, and the term of the county court now required by law to be held on the first Monday in November, shall be hereafter held on the third Monday in November in each and every year. And the August term of the county and quarterly court of said county shall hereafter be held on the second Monday in August of each and every year.

§ 2. The June county court of said county shall hereafter be held on the third Monday in June of each and every year.

§ 3. This act shall be in force from and after its passage.

Approved January 15, 1867.

CHAPTER 987.

1867.

AN ACT to change the State Road from Weston to Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State road which leads from Weston, via Princeton, to Hopkinsville, be, and the same is hereby, so changed that said road shall, at or near J. H. Hughes's, of Crittenden county, diverge from its present course, beginning at a sign-board near the house of said Hughes, running thence north a distance of one half ($\frac{1}{2}$) mile to Camp Creek, there intersecting the old road.

§ 2. This act to be in force from and after its passage.

Approved January 15, 1867.

CHAPTER 988.

AN ACT for the benefit of the Simpson County Court.

It being represented that William Kidd, presiding judge of the Simpson county court, omitted to sign many of the orders entered in the order book of said court during his term of office; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of said county court now in office, be, and he is hereby, authorized and empowered to sign said orders, upon satisfactory evidence being given that said orders were made by said court and entered by the judge or county clerk then in office; and when signed, the same shall have the same force and effect in all respects, and as fully and completely, as if said orders had been entered and signed at the time and in the mode required by law.

§ 2. That all acts done under or in pursuance of said orders be, and the same are hereby, legalized.

§ 3. This act shall be in force from its passage.

Approved January 15, 1867.

CHAPTER 989.

AN ACT to amend an act, entitled "An act for the benefit of Caldwell County," approved February 2d, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act for the benefit of Caldwell county, approved February 2d, 1866, be so amended that the county court of Caldwell county may, in the manner provided, and for the purposes specified in said act, order to be drawn

1867.

and sold the bonds of said county, in any amount not exceeding twenty-five thousand dollars, payable after two years and within six years, at the pleasure of said court; and said bonds shall bear any rate of interest that shall be fixed by said court, not exceeding eight per centum per annum, which interest shall be payable annually.

§ 2. That the county court of said county, at any regular term thereof, after the first day of October, and before the first day of May in each year, a majority of all the justices of said county in commission being present and concurring therein, may levy an *ad valorem* tax on all the property in said county, subject to State revenue, of not exceeding thirty-five cents on each one hundred dollars, including any amount of such tax that said court may have heretofore been authorized to levy; and that the same be used for the purpose of building a court-house and fixtures in said county, and for no other purpose. The sheriff of said county shall collect and pay over the same; but, before he proceeds to do so, he shall, in the county court of said county, execute a covenant to the Commonwealth, with good and sufficient sureties, for the faithful collecting and paying over the same; and he shall receive the same commission for collecting the said tax as is allowed by law for collecting the revenue, and he shall pay over the same on or before the fifteenth day of December, in each year, to such person or persons as the county court may order; and if he shall fail to pay over the said tax, either in whole or in part, at the time specified, the same, or any part thereof that shall remain unpaid, may be recovered, with ten per centum damages thereon, by suit or motion in the county or circuit court, upon his aforementioned bond, instituted by the county attorney, in the name of the Commonwealth.

§ 3. That the county court of said county, at any regular term thereof, a majority of all the justices of said county in commission being present and concurring therein, may levy a poll tax of not exceeding one dollar and fifty cents upon each tithable in said county, in addition to the levy now authorized by law.

§ 4. This act to take effect from and after its passage, and continue in force until the debt of said county, created for the erection of public buildings and for other purposes, is extinguished.

Approved January 15, 1867.

CHAPTER 990.

1867.

AN ACT to Change the Place of Voting in the Glade Precinct, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in the Glade precinct, in Madison county, shall hereafter be at the Hickory Plains School-house.

§ 2. This act to take effect from its passage.

Approved January 15, 1867.

CHAPTER 991.

AN ACT to incorporate the M. J. Williams Lodge, No. 409, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the M. J. Williams Lodge, No. 409, in New Liberty, Owen county, of Free and Accepted Masons, be, and they are hereby, created a body politic and corporate, by the name and style of M. J. Williams Lodge, No. 409, with perpetual succession; and by that name and style shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth; of purchasing and holding all such real and personal estate as may be required for the use of said lodge; to receive all necessary conveyances; to sell and convey all real and personal estate they now have or may hereafter acquire: *Provided*, The amount of real estate, exclusive of buildings, shall at no time exceed ten thousand dollars.

§ 2. The management of the concerns of said corporation shall be, and is hereby, confided in James H. Parker, James P. Orr, jr., and John F. Conley, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That the trustees named in the second section of this act shall hold their offices until the regular meeting of said lodge in the month of October, 1867, when the members of said lodge shall elect three trustees, and continue to hold their elections for the election of trustees at their regular monthly meeting in October in each succeeding year: *Provided*, That said trustees shall have power to fill vacancies in their own body that may occur between the times fixed for their election in this act; and may pass

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such by-laws and regulations, not inconsistent with the laws and constitution of this State or of the United States, as shall be necessary to the safe-keeping of the property and other interests of the lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The Legislature hereby reserves the right to repeal or change this act at pleasure.

§ 5. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 992.

AN ACT to incorporate St. Peter's Episcopal Church, Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. Geo. A. Weeks, Jacob Spears, Wm. S. Taylor, R. T. Davis, Henry Warren, Henry Spears, and Richard Peckover, and their successors in office, be incorporated by the name of "St. Peter's Episcopal Church, Paris;" and by that name shall have perpetual succession; may sue and be sued; may contract, purchase, receive, and otherwise acquire and hold, real and personal property; and may sell, lease, and otherwise dispose of any property now owned by or hereafter acquired by said church; and the title to property held by said church shall vest in said persons.

§ 2. That the entire management of the affairs of said church are vested in said persons, who are the rector, wardens, and vestry thereof, and their successors in office, from time to time chosen by the congregation, and who shall be trustees under this act; and when assembled in vestry meeting, they shall have power to fill vacancies in their number, appoint and regulate the duties of other necessary officers.

§ 3. This act shall take effect from its passage, and may be altered or repealed by the Legislature at its pleasure.

Approved January 15, 1867.

CHAPTER 993.

AN ACT to incorporate Christ's Church in Elizabethtown, Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John C. Tennent, rector, and John P. Sthreshly, George S. Warfield, and A. H. Churchill, vestrymen, and

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their successors in office, be, and they are hereby, incorporated by the name of Christ Episcopal Church, Elizabethtown; and by that name have perpetual succession; may sue and be sued, plead and be impleaded; may purchase, receive, and otherwise acquire and hold property, real, personal, and mixed, and may sell, lease, and otherwise dispose of the same; may have a corporate seal, and change the same at pleasure; and may make contracts, and pass by-laws, not inconsistent with the laws of this Commonwealth.

§ 2. That the entire management of the affairs of said corporation is vested in said rector and vestry; and their successors as such, chosen or elected according to the constitution and canons of the Protestant Episcopal Church of the Diocese of Kentucky, when assembled in vestry meeting, shall have power to regulate the powers and duties of officers, to lease or sell pews belonging to said church, and enforce the payment of the rents thereof, as may be stipulated in the lease or allowed by law.

§ 3. That all the real and personal estate belonging to or held in trust for the use and benefit of said church or its congregation, be vested in the corporation created by this act.

§ 4. That said rector and vestry, and their successors, are hereby authorized and empowered to establish such parish schools as they may deem proper, to be under their direction and superintendence, and to appoint thereto such teachers, professors, and other officers, as they may deem proper; and make such rules for their government and regulation as they may deem expedient: *Provided*, That none of the by-laws and regulations of said corporation be inconsistent with the laws of this Commonwealth; said rector and vestry, and their successors, shall have power to establish a library in connection with said church or school, and prescribe the terms upon which the same may be used.

§ 5. This act shall be in force from and after the passage thereof, and shall be at all times subject to repeal at the discretion of the General Assembly.

Approved January 15, 1867.

CHAPTER 994.

AN ACT to change the boundary of the Town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of the town of Winchester be, and they are hereby, extended as follows: Beginning at the point in the boundary of said town where the road from Winchester to Jackson's ferry, on the Kentucky river, crosses

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said boundary; thence running with the center of said road to a point opposite where Washington Miller's gate now stands; thence running in a straight line to the corner of the porch of the dwelling-house of said Miller nearest the town of Winchester; then running around said house to aforesaid corner of his house; thence back in a straight line to the road from Winchester to Jackson's ferry at said Miller's gate; and thence back to the point at which said road crosses the present boundary of the town.

§ 2. This act shall take effect from its passage, and shall remain in force for two years.

Approved January 15, 1867.

CHAPTER 995.

AN ACT for the benefit of the Mt. Gilead and Steele's Ford Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bourbon county, at any regular meeting thereof, a majority of the justices of the peace then in commission being present and assenting thereto, to appropriate a sum not exceeding five thousand dollars to the Mt. Gilead and Steele's Ford turnpike road, to aid in the construction of a bridge on said road over Hinkson creek.

§ 2. Said court shall, at the time of making said appropriation, levy an *ad valorem* tax on the property in said county subject to taxation, sufficient to raise the amount so appropriated, to be collected by the sheriff as other county levies are, and paid to the county treasurer; or said county court may appropriate for that purpose any money in the county treasury unappropriated, or any fund set apart for a special object, which has failed of accomplishment.

§ 3. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 996.

AN ACT to amend the Charter of the Southern Mutual Life Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Southern Mutual Life Insurance Company of Kentucky shall have power and authority to re-insure risks or parts of risks in other companies, or to cause the same to be re-insured against loss, for the benefit of the said Southern Mutual Life Insurance Company of Ken-

tucky; and this right shall extend to all risks heretofore taken and re-insured, as well as to risks that may be taken hereafter by said company.

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§ 2. Any policy of insurance heretofore issued, or that may hereafter be issued by said company, for the use, benefit, or advantage of the wife, widow, children, father, or mother of any person, whose life may be insured by said company, shall not be held or made liable for any debts, contracts, or engagements of the person whose life is or may be so insured; and all such insurance, in the event of the decease of the person whose life is or may be so insured, shall be paid to the person or persons named in the policy as beneficiaries therein, or to their assignees or legal representatives, to be held by him, her, or them, free and discharged of and from all pre-existing debts, contracts, and engagements whatever of the person deceased.

Approved January 15, 1867.

CHAPTER 999.

AN ACT to amend the Charter of the Hope Insurance Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the "Hope Insurance Company, of Louisville," approved the nineteenth day of January, A. D. one thousand eight hundred and sixty-five, be so amended that the twenty-fourth section of said act shall read as follows: "The cash premiums shall constitute the capital stock of said company, which may be increased by a guarantee capital as hereinafter provided; and if, at any time after the organization of said company, as provided by the charter, the board of directors shall deem it expedient to organize a stock department to said company, then said directors are hereby authorized to open subscription books for the subscription of stock, on such terms and at such times and places as they may deem advisable and proper; and the capital stock, hereby authorized to be subscribed, shall not exceed the sum of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and transferable only on the books of the company, under such regulations as the board of directors may, from time to time, adopt; and the said board of directors shall have power to demand and receive of each subscriber to said capital stock, at the time of making such subscription, any sum in cash as may be regulated by the board of directors, and require, for the balance of such subscription, notes with approved security; and the said capital stock shall be entitled to representation in the election of directors of one

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vote for each and every share so held; and no person shall be deemed eligible to the office of a director who is not a *bona fide* stockholder; and when the said board of directors shall have received satisfactory subscription to the capital stock, and not to exceed five hundred thousand dollars, they may close the books and order an election for directors: *Provided*, A majority of the directors shall so determine, the books may be again opened for subscription before the election is held. After the election of directors, the board of directors shall proceed to elect or appoint such officers and agents as may be deemed proper for the transaction of such business, and all such appointments shall be at the pleasure of said board; and the said board, when elected as above provided, shall have full management and control of both the stock and mutual departments as now organized; they shall also have power to fix and pay such compensation for services to be rendered by such officers and agents, and change the same at pleasure, as they may deem just and proper."

§ 2. Nothing in this act shall be so construed as to invalidate any contract for insurance already effected; and this act shall take effect from and after its passage.

Approved January 15, 1867.

CHAPTER 1002.

AN ACT to change the time of holding the Quarterly Courts in McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the quarterly courts in the county of McCracken, as now fixed by law, be, and the same is hereby, changed to the first Mondays in March, June, September, and December in each year; and that all process returnable to the terms of said court, as now fixed by law, be, and the same is, by this act, made returnable to the terms of said court as fixed by this act.

§ 2. All laws within the purview of this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved January 15, 1867.

CHAPTER 1003.

1867.

AN ACT for the benefit of Joseph H. and John Harrison, free persons of color.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph H. Harrison and John Harrison, children of Dublin Harrison, a free man of color, who died intestate some ten years ago, in the city of Louisville, are hereby declared and constituted the heirs at law of their said father, Dublin Harrison, and, as such, are entitled to, invested with the title, and may take, hold, and sue for, any real or personal estate of which the said Dublin Harrison died seized or possessed of within this State, in the same manner as if they had been free at their father's death.

§ 2. This act shall take effect from its passage.

Approved January 15, 1867.

CHAPTER 1004.

AN ACT for the benefit of George W. Kouns, of Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasury in favor of Geo. W. Kouns, of Boyd county, for the sum of two hundred and fifty dollars, adjudged to be due him for repairs made on the Owingsville and Big Sandy turnpike road, in the year 1852.

§ 2. This act to be in force from its passage.

Approved January 15, 1867.

CHAPTER 1005.

AN ACT for the benefit of J. C. Calhoun, Sheriff of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That time is given to J. C. Calhoun, sheriff of McCracken county, until the second Monday in June, 1867, to pay over to and settle with the Auditor of Public Accounts, for the revenue of the years 1862, 1864, and 1866, in his hands for collection: *Provided*, That the sureties of said Calhoun shall give their consent, in writing, to the county court of McCracken county to the provisions of this act before it shall become operative.

§ 2. This act shall take effect from its passage.

Approved January 15, 1867.

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CHAPTER 1007.

AN ACT for the benefit of B. W. Cleaver, late Sheriff of Grayson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. W. Cleaver, late sheriff of Grayson county, is hereby allowed until the first day of April next to make out and return his delinquent lists of the revenue tax and county levy for said county for the year 1866.

§ 2. That this act shall be in force from its passage.

Approved January 17, 1867.

CHAPTER 1008.

AN ACT changing the time of holding the County and Quarterly Courts of Magoffin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after this act takes effect, the terms of the county courts of Magoffin county shall be held on the fourth Mondays in each month; and the quarterly courts shall be held on the Tuesdays following the fourth Mondays in the months of March, June, September, and December, and continue as long as the business of the court may require.

§ 2. This act shall take effect within thirty days from and after its passage.

Approved January 17, 1867.

CHAPTER 1009.

AN ACT legalizing certain acts of the Mercer County Court.

WHEREAS, The county court of Mercer county, at the October term, 1866, levied a tax of five cents on the one hundred dollars' of taxable property in said county for county purposes; and doubts arising as to the legality of said levy, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the county court of said county in making said levy, and all acts done in pursuance thereof, be, and the same are hereby, legalized and made valid for all intents and purposes, as fully and completely as if said levy had been made in strict conformity to law.

§ 2. This act shall be in force from its passage.

Approved January 17, 1867.

CHAPTER 1010.

1867.

AN ACT for the benefit of the County of Morgan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Morgan county court is hereby authorized to cause to be summoned the justices of the peace of said county, to attend and constitute a court for the purpose of revising the county levy; and a majority of all the justices of said county, together with the county judge, may increase and levy a poll-tax of three dollars.

§ 2. That said court shall have the further power to levy and collect an *ad valorem* tax of twenty-five cents on each one hundred dollars' worth of property to enable them to pay the indebtedness of said county, heretofore and hereafter contracted; and the same to be collected and paid over by the sheriff of said county in the same manner as is now provided by law for the collection of the county levy of said county; and this act to be in force until the first day of January, 1869.

§ 3. This act to take effect from and after its passage.

Approved January 17, 1867.

CHAPTER 1011.

AN ACT to incorporate the Liberty Cumberland Presbyterian Church, in Caldwell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Jenkins, John D. Leach, William E. Jones, William Killgrow, and Whitnell Jenkins, and their successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Trustees of the Liberty Cumberland Presbyterian Church, of Caldwell county;" and by said name shall have perpetual succession; and, in their corporate name, have power to buy, take by devise or bequest, or by gift or deed, any real estate, not exceeding two hundred acres, and any personal property; and to hold, convey, and otherwise dispose of the same, with all the power incident to religious corporation, not inconsistent with the Constitution of the United States or of this State; and shall sue, plead and be impleaded, so far as may be necessary to protect the property and rights of said church; and to hold and employ the property so acquired and held by them, and dispose of it, and make contracts about it solely for the use and purpose of carrying out and promoting the religious interest of said church.

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§ 2. In case there should be a vacancy in the trustees, then the session of said church shall be *ex-officio* trustees, and shall continue in office during life or their connection with the church, and so long as they reside in the bounds of the church.

§ 3. This act shall take effect from its passage.

Approved January 17, 1867.

CHAPTER 1012.

AN ACT to incorporate the Addison's Branch Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Peter B. Mason, Thomas W. Varnon, and William M. Fox, their associates and successors, are hereby created a body corporate and politic, by the name of the Addison's Branch Mining and Manufacturing Company, and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, in all courts of this Commonwealth; have a common seal, and alter and change the same at pleasure; may purchase and otherwise acquire, hold, and convey any real or personal property necessary or appurtenant to the prosecution of their business; and may make such rules and regulations and by-laws for their own government as they may think proper, not inconsistent with the Constitution and laws of this State and of the United States.

Business of corporation.

§ 2. The business of said company shall be the development of the coal, oil, iron, salt, and other minerals and volatile substances of the Cumberland river and its tributaries, the manufacture and refining of the same, the manufacture of lumber and other necessary articles, and the transportation of the raw materials or manufactured articles to market; and to this end said company may purchase or construct furnaces, machine-shops, oil refineries, railroads for getting coal to the river, or other necessary works; may own boats of any description; may construct and own wharves and landings on said river and its tributaries.

Capital stock.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of not less than fifty nor more than one hundred dollars each, to be determined by the company; and it is further enacted that said company may receive oil-wells, lands, leases, and mining interests of all kinds, which, at the proper value thereof, constitute a part or the whole of the capital stock of said company; and the shares of said company shall be deemed personal property, and transferable on the books of said company.

§ 4. The company may organize at any time, and at such organization may elect five directors, who shall constitute a board of directors, which board of directors may choose a president, secretary, and such other officers, managers, and agents as may be deemed necessary; said board shall have the management of the affairs of the company, and shall have power to establish all needful by-laws, rules and regulations, for the government thereof.

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When may
organize & elect
directors.

§ 5. An annual election shall be held for directors at the chief office of said company, after notice published in the paper nearest said office, for at least ten days; and each stockholder shall have as many votes as he owns shares of stock in said company, and, if not present, may vote by proxy.

Annual elec-
tion—when
held.

§ 6. Said board of directors may establish the chief and branch offices at any place or places, in or out of this Commonwealth, deemed best, and change the same from time to time.

Chief and
branch offices.

§ 7. No banking privileges are allowed by this act, and it shall take effect from and after its passage.

No banking
privileges.

Approved January 17, 1867.

CHAPTER 1013.

AN ACT to incorporate the Falls City Southern Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. K. Thomas, Ed. Crutchfield, James P. Chambers, Wm. E. Hughes, Wm. C. D. Whipps, Henry Dent, James Harrison, and William R. Ray, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body politic for thirty years, under the name and style of the Falls City Southern Park Association; with power and authority to contract and be contracted with, to sue and be sued, plead and be impleaded, as natural persons, in all the courts and places whatever; and have and use a common seal; also to purchase and hold, in fee or by lease, the necessary lot or lots in Jefferson county, Kentucky, not exceeding one hundred acres, and of the value of two hundred thousand dollars, for a fair ground and park and other amusements not contrary to the laws of Kentucky, and such other lots as they may require for stables, carriage-houses, and other buildings necessary for said fair ground, park, and place of amusement; and all such goods and chattels as may be necessary in the furnishing and carrying on the same.

Corporators'
names, and cor-
porate powers.

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Capital stock.

§ 2. The capital of said corporation shall not exceed the sum of two hundred thousand dollars, to be divided into shares of not less than ten to five hundred dollars each share; and the president and directors shall have the power, by their by-laws, to say what each share shall be; and the shares shall be personal estate, and transferable upon the books of the company according to the by-laws of the corporation; and each share shall entitle the holder to one vote at all elections of officers, and all meetings of the stockholders.

First directors.

Provide for annual elections.

May elect officers.

§ 3. The persons named in the first section of this act shall be the first directors of the company, and shall choose one of the body president, and shall, by the by-laws, provide for annual elections of directors after the first year; and the said president and directors shall have the power to elect such officers as may be necessary to carry on said corporation, and take from them such bonds with security as may be deemed requisite.

Persons named in first section not subscribing shall cease to be directors.

§ 4. If any of the persons named in section first shall not subscribe, they shall cease to be directors; and none but stockholders shall be either president or directors of the company.

Who to receive subscriptions.

To fix time and manner of paying.

§ 5. The persons named in this act shall act as commissioners to receive subscriptions for the stock of said company, and may have the power in their said subscription to fix the time and manner of paying for the stock, and what failure shall authorize a forfeiture of the stock for not complying with the terms on which it was subscribed; and so soon as ten thousand dollars of said capital stock subscribed has been paid in, then said corporation shall have the power to proceed to business.

May change name of corporation.

§ 6. The president and directors are hereby authorized, by order of their board, if a majority of them should desire, to change the name of said incorporation to some other name; and whatever name they assume, by that name they may sue and be sued, and hold and exercise all the corporate privileges according to the terms of this charter.

May borrow money.

§ 7. The corporation shall have the right to borrow on its credit an amount not exceeding the capital stock, and secure the same by mortgage on the property of said incorporation, at such rate of interest, and payable at such time, as the president and directors may think proper.

May make by-laws.

§ 8. The president and directors shall have the power to make by-laws for the government of the affairs, business, and the property of the corporation, and fairs and other uses of said property of said association, and amend and change the same: *Provided*, Such by-laws

shall not be in contravention to the laws and constitution of the State of Kentucky.

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§ 9. This act to take effect from its passage.

Approved January 17, 1867.

CHAPTER 1014.

AN ACT to Charter the Phoenix Manufacturing Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. H. Grainger, Jos. C. Mandeville, Wm. H. Fosdick, Leander K. Grainger, their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Phoenix Manufacturing Company;" and by that name have perpetual succession, and contract and be contracted with, sue and be sued, plead and be impleaded, in all courts in this Commonwealth and elsewhere; and are hereby incorporated for the purpose of manufacturing articles composed in part or wholly of iron, wood, cotton, wool, hemp, or other materials, and to buy and sell on commission or otherwise, or receive on storage manufactured articles or raw materials; with full power to acquire, hold, use, and enjoy, and the same to sell and dispose of, all such goods, chattels, and effects, as may be necessary or convenient for the transaction of its business, or may be acquired as security for, or in payment of, any debt or demand; and may have a common seal, and alter, change, or renew the same at pleasure; and may make and establish all necessary by-laws for the efficient management of its business.

Corporators' names and corporate powers.

§ 2. The business of the company shall be conducted under the control and management of three directors, elected by the stockholders from among their number, who shall hold their office for one year and until their successors are elected and qualified. The directors shall have power to make all by-laws, rules and regulations, which they may deem necessary for the regulation of themselves and for carrying on the business of said company; to fix the time of holding the annual election of directors; to fill any vacancies that may occur in the board between the annual elections, and to do all other things necessary to be done in the premises; and they may appoint such other officers as may be provided for by resolution or by-laws, and fix their compensation.

Who to manage business of corporation.

May make by-laws.

To fix time of elections, fill vacancies, &c.

§ 3. The capital stock of said corporation shall be thirty thousand dollars, and may be increased by the directors to one hundred thousand dollars, in shares of one hundred dollars each.

Capital stock.

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When meeting
of stockholders
to be called.

§ 4. The persons named in this charter, or any two of them, as soon as five thousand dollars of stock is subscribed for, and such per cent. thereof paid in as may be required by the terms of subscription, to be fixed by said corporators, or any of them, then they may, by giving one week's notice in any of the daily papers published in the city of Louisville, call a meeting of the stockholders and organize the company by the election, by the stockholders present at such meeting, in person or by proxy, of three directors, who, being duly sworn, shall take charge of the company, elect one of their number president, and may appoint any other officers they may deem necessary, and fix their compensation, and do all other things authorized by this charter, in order to put in force and full effect the provisions thereof.

How stock
voted.

§ 5. At all stockholders' meetings each stockholder shall be entitled to one vote for every share of stock held by him, and may be voted either in person or by proxy.

Stock personal
estate, & trans-
ferable.

§ 6. The shares of this corporation shall be personal estate and transferable on its books according to its by-laws; but the corporation shall have a lien on the shares of any stockholder who may be indebted to it, and the same shall not be transferred without the consent of the corporation until the debt is paid.

Stock may be
forfeited.

§ 7. That when any subscriber or subscribers to the capital stock of this corporation shall have been, for a period of six months or more, in default in not paying the amount of their respective subscriptions, agreeable to the requirements of the president and directors of said corporation, it shall be lawful for said president and directors to declare said stock forfeited, and thereupon such subscribers shall cease to have any interest in said stock: *Provided*, That, before any such forfeiture shall take place, three weeks notice shall be given to such stockholder, in person or by publication once a week for three successive weeks in one or more daily newspapers in the city of Louisville, Kentucky.

§ 8. This act to take effect from its passage.

Approved January 17, 1867.

CHAPTER 1015.

AN ACT to incorporate Land Mark Lodge, No. 41, Ancient York Masons, of Versailles, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William H. Smither, H. C. McLoed, John S. Smither, Jos. C. Bailey, and Berrywick Craig, and their successors in office, be, and they are hereby, created a

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body corporate, under the name and style of "Land Mark Lodge, No. 41, of Free and Accepted Masons;" and the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and, by the name and style aforesaid, they are hereby made capable in law to sue and be sued, plead and be impleaded; to contract and be contracted with; to answer and be answered in the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and the same to break, alter, or change at pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal estate, not exceeding the sum of ten thousand dollars, and, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest the same at pleasure: *Provided*, That, in case of sale, it shall be by the consent of two thirds of the members thereof, which consent shall be given at a regular meeting of said lodge, and it shall be entered of record in their proceedings.

§ 3. The business and financial affairs of said corporation shall be under the management and control of the five principal officers, to be elected annually by the members of said lodge, and whose duties shall be prescribed by a majority thereof.

§ 4. The members of said corporation shall have power to pass such by-laws, rules, and regulations, not inconsistent with the Constitution of the United States or of the State of Kentucky, for the safe-keeping of the property and other interests of the lodge.

§ 5. The Legislature reserves to itself the right to annul, modify, or repeal this act; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act..

§ 6. This act shall take effect from and after its passage.

Approved January 17, 1867.

CHAPTER 1016.

AN ACT to amend an act, entitled "An act to incorporate the Eureka Petroleum, Mining, and Manufacturing Company," approved February 22d, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved February 22d, 1865, entitled "An act to incorporate the Eureka Petroleum, Mining, and Manufacturing Company," be amended so that the name of the company incorporated thereby shall be the "Eureka Mining and Manufacturing Company;" and all corporate

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acts heretofore done under the latter name, by said company, shall be valid and binding upon the same.

§ 2. Said company may, in its discretion, by a vote of its directors, increase its capital stock to one million of dollars.

§ 3. This act shall take effect from and after its passage.

Approved January 17, 1867.

CHAPTER 1017.

AN ACT to charter the St. Joseph Industrial School, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style § 1. That a body corporate and politic is created, under the name of St. Joseph Industrial School, to be located near or within the limits of the city of Louisville, in Jefferson county, in this Commonwealth.

Capital stock. § 2. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars; and the real and personal property of said corporation shall not exceed in value at any one time the amount of said capital stock; and such estate may be acquired by gift, purchase, or otherwise; and money or other valuable things may, in any form, be donated, bequeathed, given, or bestowed to or on said corporation, for the object and purposes declared in this act.

Who to manage school. § 3. That said school shall be under the control, management, direction, and supervision of a board of managers, all of whom shall be male members of the Catholic Church, and reside within the county of Jefferson; and said board of managers may cause to be procured suitable land within said city, or near thereunto, in Jefferson county, and contract for the erection thereon of any and all suitable buildings, and other improvements for said school, and appendages thereto; and may from time to time make

Board of managers may purchase lands, &c.

May make by-laws. by-laws, rules and regulations, relative to the management and care and protection of the property of said corporation, and the management, government, instruction, discipline, employment, and moral culture and religious instruction, of the children who may be inmates of said institution, while in said school, not contrary to law, as said

May employ agents, &c. board of managers may deem proper; and may employ or appoint such agents and servants as they deem necessary to transact and manage the affairs and business of said

Vacancies—how filled. corporation; and may from time to time fill any vacancy in said board of managers, occasioned by death, resignation, refusal to act, removal, or other cause; and said board shall have power and authority to do and perform any other act, within the scope of the object and purposes

of this charter, necessary and proper for the good government and well being of said institution and inmates, in the inculcation and teaching of morals and religion, education, industry, and mechanical trades or other employments.

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§ 4. That the Catholic Bishop of the Diocese of Louisville, and his successors by right of office, shall be the president of the board of managers, and Thomas Slevin, Jno. W. McAteer, B. J. Webb, Patrick Scally, Jno. E. Crowe, and B. J. Spalding, shall be the board of managers, who shall hold their office of managers until they die, resign, refuse to act, or cease to be otherwise qualified as provided in this act; and a majority of them shall be a quorum to transact the business of said corporation.

President of board of managers.

Board of managers.

§ 5. That the object of said institution is to provide a suitable place of refuge where boys and girls, the children of Catholic parents, either orphans, or whose parent or parents are living, may be taken care of and taught lessons of morality and religion, and some useful trade or art, and receive an ordinary English education; and said board of managers shall have power, at their discretion, to receive into and keep in said institution any such Catholic boy or girl under sixteen years of age, until the boys are twenty-one years, and girls eighteen years of age, within the city of Louisville or State of Kentucky, who may be committed to their charge, or bound to said institution by any judge or court within said county having jurisdiction; and any Catholic parent or guardian, having the control of the person of any such Catholic boy or girl, and the right so to do, may bind such boy or girl to said institution until he shall attain the age of twenty-one, and girls until they are eighteen years [of age]; and said board of managers may, when they deem proper, discharge any of said Catholic boys or girls respectively before they shall have attained the ages aforesaid, or may bind out any of said boys or girls to learn a mechanical trade or art or other useful business.

Object of institution.

§ 6. The said board of managers shall at all times, within the business hours of the day, permit the Governor of Kentucky, or his agent, and Mayor or other chief executive officer of the city of Louisville, to visit said institution and children; and the General Council of the city of Louisville may, from time to time, grant aid towards the support of said institution (not to exceed a fair pro rata of the taxes collected for the House of Refuge), and for the support of the boys or girls who, by order of court, may be sent to said St. Joseph's Industrial School.

Open to visit of Governor & Mayor of Louisville at all times.

§ 7. That said institution and its property shall be exempt from State, city, or county tax; and this charter shall take effect from the day of its passage.

Property exempt from taxation.

Approved January 17, 1867.

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CHAPTER 1019.

AN ACT to change the voting place in South America District, Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in South America district, Whitley county, be, and is hereby, removed from the Tiney farm, at the foot of Pine Mountain, to the head of Mud Creek, known as the Horse Shoe Gap, near or at the spring.

§ 2. This act to be in force from its passage.

Approved January 17, 1867.

CHAPTER 1020.

AN ACT to enlarge the Fishersville Justices' District, in Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the eastern line of the Fishersville justice's district, in Jefferson county, is extended on the Shelby county line to Hughes' branch of Floyd Fork; thence down the same, with its meanders, to T. J. Conn's lower or western corner; thence to the Fishersville line at Laban Yager's, excluding Peter Demoss and J. W. Bryant, and including T. J. Conn and M. Young.

§ 2. This act shall take effect from its passage.

Approved January 17, 1867.

CHAPTER 1021.

AN ACT empowering Taylor County to Issue Bonds, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, to enable the county of Taylor to pay its indebtedness, incurred in the building and furnishing a courthouse and clerks' offices, the county court of said county, at any regular term thereof, a majority of the justices of the peace for said county being present and concurring therein, may, by order of court, authorize and direct bonds of the county to be issued and sold, for any sum, not exceeding, in the aggregate, the sum of twelve thousand dollars; and, from time to time, to authorize a renewal of the same, until said indebtedness shall be wholly paid; which bonds shall be signed by the county judge and countersigned by the clerk of said court, and made payable to order, not exceeding ten years after the date thereof, or at the pleasure of said court, bearing interest from date, not exceeding ten per centum per annum, which interest shall be payable annually.

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§ 2. That the judge of said court shall cause a record to be made of all bonds that may be issued under the provisions of this act, showing the amount and date of each bond, when due, and to whom issued.

§ 3. That, to enable said court to pay said bonds and the interest thereon, it may, at any regular term of the court, a majority of the justices of the peace being present and concurring therein, increase the county levy to not exceeding two dollars on each tithable in the county, over and above the amount levied for the ordinary expenses of the county, and the sheriff shall collect and account for the same in the same manner as county levy and revenue tax are now collected and accounted for by law; have the same power to distrain therefor, and he and his sureties shall be liable for the same in like manner, and shall pay the money upon the orders of the court, who shall faithfully apply said increased county levy to the payment of the interest on and the liquidation of said bonds.

§ 4. That the county court shall have power to appoint a commissioner or commissioners to collect from the sheriff the money raised by this act, and pay out the same, who shall be required first to execute bond with good security for the faithful discharge of his or their duty.

§ 5. That in case the money shall not be raised by the sale of bonds, the money arising from the county levy authorized by this act may, by the orders of said county court, be applied to the payment of said indebtedness of the county, incurred as aforesaid.

§ 6. That this act shall be in force from its passage.

Approved January 17, 1867.

CHAPTER 1022.

AN ACT to incorporate the Kentucky and New York Lead Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. N. Drake, L. S. Root, and John A. Prall, and their assigns and successors, be, and they are hereby, incorporated and created a body politic and corporate, under the name and style of the Kentucky and New York Lead Mining and Manufacturing Company; and, under that name, shall have succession for thirty years; may have a common seal, and alter the same at pleasure; may sue and be sued; plead and be impleaded; and may acquire and hold, by deed or lease, such real estate in Kentucky as it may deem necessary and suitable for the

Corporators' names, and corporate powers...

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purposes of its organization, or any interest therein, not exceeding in value two hundred thousand dollars; and may sell and convey the same; and may purchase and hold such machinery and other personal property as it may deem suitable in the prosecution of its business, and sell the same at pleasure: *Provided*, That said corporation shall keep an office and agent in the State of Kentucky.

Capital stock.

§ 2. The capital stock of said company shall be one million of dollars, to be divided into shares of ten dollars each, to be sold, transferred, and paid for in such manner as shall be directed in the by-laws hereinafter provided for.

Business of corporation.

§ 3. The business of said company shall be by boring, mining, or otherwise, to extract and obtain lead, iron, coal, salt, oil, or any other mineral or substance within the earth or upon its surface; by refining, smelting, or manufacturing, to prepare the same or any other material or product it may obtain for use, consumption or market; and to transport to, and vend in, the markets the articles thus produced, either in their crude state, or after being thus refined or manufactured; and to do such other things as may be incidental to the business herein set forth.

Two corporations may call meeting and adopt by-laws.

§ 4. Any two of the corporators named in the first section may call a meeting and adopt such by-laws for the management of the affairs of said company as they may deem fit: *Provided*, The same are not in conflict with this act or the Constitution or laws of this State or the United States; and fix the time and place for the elections of officers, at which elections each stockholder shall be entitled to one vote for each share of his stock, to be cast by him in person or by written proxy. Said by-laws may be amended at any regular meeting of the company.

Who to conduct business of corporation.

§ 5. The business of said company shall be conducted by a board of directors, not exceeding seven in number, and a president, to be selected by said board, from their number, and by such other officers or agents as may, from time to time, be provided for in the by-laws, or selected by the president and directors.

§ 6. This act shall take effect from and after its passage.

Approved January 17, 1867.

CHAPTER 1023.

AN ACT to amend an act, entitled "An act for the benefit of M. W. Holland," approved February 13th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be, and the same is hereby, so amended as to permit, and the said M. W. Holland is hereby allowed to have and use the ferry privilege granted him in

said act by running said ferry by the use of a steam ferry-boat, a boat propelled by horse power, or a hand flat-boat, propelled by hand power, and all other necessary water-craft, for the purposes of said ferry privileges, and for the convenience of foot-passengers, and the transportation of other persons and property.

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§ 2. That this act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1024.

AN ACT for the benefit of P. Palmer, late Sheriff of Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor, upon the payment of the principal, interest, and costs of a judgment of the Franklin circuit court in favor of the Commonwealth of Kentucky against P. Palmer and sureties, late sheriff of Marshall county, for the revenue for the year 1861, be, and he is hereby, directed to remit all damages accrued and to accrue upon said judgment, and to give to said Palmer a quietus upon his making payment as herein permitted.

§ 2. This act shall take effect from and after its passage.

Approved January 18, 1867.

CHAPTER 1025.

AN ACT legalizing the proceedings of the Court of Claims for Nelson County held at its October term, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proceedings of the court of claims for Nelson county, held at its October term, 1866, be, and the same is hereby, legalized; and the sheriff of said county is hereby authorized and directed to collect the levy as fixed by said court at said term.

§ 2. This act shall take effect and be in force from its passage.

Approved January 18, 1867.

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CHAPTER 1026.

AN ACT to create a Board of Commissioners of the Sinking Fund of Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Commissioners
of board to be
elected, & who
to be president.

Term of office.

Vacancies—
how filled.

Treasurer to
be appointed, &
to give bond.

Compensation
of treasurer.

Board to report
annually.

Sheriff to col-
lect tax.

Powers of
sheriff in col-
lecting.

§ 1. That the justices of the peace for Bracken county shall, at the May term of the county court for said county, elect three persons, who shall be called "The Board of Commissioners of the Sinking Fund of Bracken county," and of which board the presiding judge of the said court for the time being shall be the president. One of said three commissioners so elected shall hold his office for one year, and another for two years, and another for three years; the term of each to be determined by lot. And annually, after the first election, the justices of the peace shall, at the court of claims, elect a commissioner to fill the place of the one whose term shall then expire, and such commissioner shall serve for three years. Any vacancy occurring during the term of any commissioner by death, resignation, or otherwise, shall be filled by the presiding judge of the county court for the time being.

§ 2. That said board shall annually appoint one of their number treasurer; and such treasurer, before he receives any money under the provisions of this act, shall execute bond with good security, to be approved by the county court, in double the sum which shall be expected to be collected during the year then to ensue, payable to the county of Bracken, and conditioned in all things faithfully and truly to perform the duties of his said office, and to account for and pay over, on the order of the commissioners, all sums which shall come into his hands as treasurer of said board; and said treasurer shall be allowed for his services not exceeding two per cent. of all money he shall receive and pay out; and it shall be the duty of the board, annually, to report to the court of claims of said county full statements of their actings and doings, and the state of the funds under their control and management.

§ 3. That the sheriff of Bracken county shall collect all the *ad valorem* taxes levied by the county court under the provisions of an act approved February 23d, 1864, and an act approved February 5th, 1864, entitled "An act to legalize and pay off the debt of Bracken county." And for the purposes of collecting said taxes so levied, the sheriff shall have the same powers of distraining, advertising, and selling personal estate, which he has in the collection of the State revenue and county levy; and when he shall be unable to find any personal estate liable to the tax of any individual, he may levy on and sell his or her real estate under the rules and regulations prescribed by law for the sale of real estate under execu-

tion. But the owner of any real estate so sold, who shall not have consented in writing to the sale, shall have three years to redeem the same, on paying to the treasurer of the board, for the use and benefit of the purchaser, the purchase money, with twenty per cent. interest per annum, together with all taxes and levies which shall have accrued subsequently to the sale; and for that purpose, a lien upon the land shall be retained in favor of the purchaser: *Provided*, That any person who shall have so consented in writing, shall have but one year to redeem upon the same terms and conditions; and if land so sold as aforesaid shall not be redeemed as herein specified, the sheriff shall convey to the purchaser the land so sold, as is directed by law for the conveyance of lands sold under execution.

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Owners of property may redeem.

§ 4. The sheriff shall, from time to time, pay over to the treasurer of the sinking fund, as he shall collect the same, all the taxes assessed under the acts aforesaid, under the penalties prescribed by law for failing to pay over the county levy or State revenue, and take duplicate receipts therefor; one of which he shall lodge with the clerk of the county court, who shall report the same to the next court of claims of said county; and he shall be allowed for his services the same as is now allowed by law for collecting the State revenue, for all moneys collected and paid over to said treasurer.

Sheriff to pay over from time to time.

§ 5. The board of commissioners shall by their treasurer institute legal proceedings against the sheriff and his sureties in the name of the board of commissioners of the sinking fund of Braeken county, for any failure on his part in collecting and paying over to the said treasurer according to the provisions of this act. The commissioners shall appropriate such taxes so collected, first, to the payment of the interest then due upon the county bonds given for the debts heretofore contracted by county; and secondly, to the principal; and when a surplus shall accrue after payment of such interest and principal as may be due, they shall apply it to the purchase of any of said bonds, provided they can be purchased at or below par; and if that cannot be done, they shall invest such surplus in some safe and profitable manner, so that when it at any time is wanted for the purchase or payment of said county bonds, it can be speedily and certainly converted into cash, for the payment of either the principal or interest of said bonds; and for the purpose of increasing the sinking fund in the hands of the treasurer of the board, any surplus of the county levy of said county, over and above that which is necessary and sufficient to pay the yearly county claims and expenditures of the county court, in the hands of the sheriff or treasurer of the county as county levy, shall

Suit may be instituted against sheriff for failing to pay over.

Tax to be appropriated to payment of bonds.

Sinking fund may be increased—and how.

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annually be paid over to the treasurer of the board of commissioners of the sinking fund, under the same penalties and liabilities for failure as is prescribed by law for county courts or county creditors to recover the same.

Commissioners
to keep record
of proceedings,
&c.

§ 6. That said sinking fund commissioners shall keep a record of all their proceedings and doings, subject at any time to the inspection of any tax-payer; and their treasurer shall keep strict accounts, in appropriate books, of all moneys received and paid out by him; and shall yearly, before the expiration of his time, settle his accounts with the Bracken county court of claims and assessment; and, at any time, by order of the board, shall make a correct statement of the funds in his hands; and his books and accounts shall at any time be subject to the inspection and examination of the board or any member thereof; and he shall be removable from office by order of the board or by the order of the county court, a majority of the justices in commission concurring therein.

Ad valorem
tax may be in-
creased.

§ 7. That for the purpose of increasing the sinking fund of said county, the county court of said county may increase the *ad valorem* taxes of said county to any sum not exceeding twenty-five cents on the one hundred dollars' worth of taxable property in said county, which shall be collected and paid over and appropriated as heretofore directed in this act, and under the same penalties for failure to comply as hereinbefore specified: *Provided*, The tax shall not be increased unless a majority of the justices of said county are present and concur therein.

Approved January 18, 1867.

CHAPTER 1027:

AN ACT to amend the Charter of the Jefferson Railway Company, approved January 11th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of the charter of the Jefferson railway company be, and the same is hereby, amended as to the territory or limits within which the company may exercise the corporate powers granted by said charter, so as to read from any point or points in the western line of the present tax limits of the city of Louisville, between the north line of Market street, if extended west, and the south line of Broadway street, if extended west; and to run from such point or points to any point on the Ohio river, in the county of Jefferson.

§ 2. This act to take effect from its passage.

Approved January 18, 1867.

CHAPTER 1028.

1867.

AN ACT for the benefit of Lovelaceville, in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Lovelaceville, in Ballard county, shall have the right to grant coffee-house license under such restrictions as are now required by the laws of this Commonwealth; and said trustees may impose a tax upon said license, in addition to that imposed by the State, in any sum not less than ten nor more than fifty dollars, which sum shall be paid to the treasurer of said town before the license shall issue, and shall be for the use of said town.

§ 2. This act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1029.

AN ACT to incorporate the Second German Protestant Benevolent Society of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. A. Hermann, Geo. Phil. Roesch, Just. Stroehman, John Becker, and Wolfgang Lehr, and their associates and successors, shall be known as a corporate body, by the name and style of the Second German Benevolent Society of Louisville, Jefferson county, Kentucky.

§ 2. Their officers shall consist of a president, vice president, treasurer, secretary, assistant secretary, chief marshal, assistant marshal, and a committee to visit the sick composed of five members.

§ 3. They may sue and be sued, plead and be impleaded, in all courts in this Commonwealth, by the name of the Second German Protestant Benevolent Society; and service of process on the president or treasurer shall be legal notice of such suit.

§ 4. They may hold property; buy and sell to an amount not exceeding five thousand dollars in value; and in order to govern their members, regulate their proceedings, expenditures, and incomes, may make a code of by-laws: *Provided*, That they be not inconsistent with the laws of this Commonwealth or of the United States.

§ 5. That they may make and use a common seal, to amend or alter at pleasure. The Legislature reserves the right to alter, amend, or repeal this charter at any time.

§ 6. This act to take effect from and after its passage.

Approved January 18, 1867.

1867.

CHAPTER 1030.

AN ACT to incorporate the Fulton County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That John R. McGehee, Wm. Herron, Wm. L. Alexander, N. N. Cowgill, B. F. Carr, Henry Campbell, Joshua Naylor, A. P. Thompson, John Beard, Wm. H. Rosser, J. W. Mayes, J. H. Dodds, M. Adams, C. S. Harper, Owen W. Miles, J. H. Davis, C. L. Randle, Saml. Landrum, and G. M. Wilburn, together with such other persons as may choose to associate with them, and their successors, be, and are hereby, created a body politic and corporate, under the name of the "Fulton County Agricultural Society;" with full powers to contract and be contracted with; sue and be sued; plead and be impleaded, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land, not exceeding twenty-five acres, and may improve, sell, or convey the same, or any part thereof; and may acquire, hold, and dispose of such personal estate as the board of directors of said society may deem necessary and proper. The said society may adopt and use a corporate seal, or any private one, for the time being.

Capital stock.

§ 2. The capital stock of said society shall be divided into shares of fifty dollars each, to be subscribed and taken under such rules and regulations as the corporation may direct. Any three persons beforenamed are authorized to open books for the subscription of stock in said corporation at any time and place that they may designate; and as soon as the sum of three thousand dollars shall have been subscribed as capital stock, they may call a meeting of the subscribers, who are shareholders, at the court-house in Hickman, after having given at least ten days' public notice of the time of such meeting, at which time the subscribers then present shall proceed to the election of eleven directors of said society, each of whom shall be a stockholder therein; and each share shall entitle the holder thereof to one vote, which may be given by proxy; and said vote shall be taken by ballot.

When directors
to be elected.

Annual elec-
tions.

§ 3. The directors so chosen shall continue in office until the fourth Saturday in November after they are chosen, and until their successors are duly elected; and on the fourth Saturday in November, 1867, and each and every year thereafter, at such place as shall be fixed by the stockholders at their general election, a new board of directors for the ensuing year shall be elected by the stockholders of said society. The directors, when elected, shall have full power to choose one of their number as president and one vice president, and to fill all vacancies in the board.

President and
vice president.

§ 4. That the prudential, fiscal, and other concerns of said society, together with all its estate and property of every kind, shall be under the control of the president and board of directors aforesaid; and they shall have the power to appoint a secretary and treasurer, and such other officers, from time to time, as they shall deem proper and right for the interests of the society; and they may require from such officers bond with good security for the faithful discharge of the duties of their respective offices. Said president and board of directors may make such rules, regulations, and by-laws, as they may deem just and proper, not inconsistent with the laws and Constitution of this Commonwealth, or of the United States. Any five members, together with the president or vice president, shall constitute a quorum for the transaction of business.

§ 5. The said society, in its corporate capacity, with all the estate and property belonging thereto, shall be liable for any debts contracted by it or its authority.

§ 6. That the said board of directors shall have the power to fix the amount to be paid for entrance at the gates of the fair grounds; and any person who shall, during the days of the exhibition of any fair, be detected in making any attempt to or of entering the fair grounds of said society clandestinely, or in any other manner than at the regular gates, after having first paid the regular fee for so entering or being permitted to enter, by the board of directors, or of using any device or unfair means whatever to defraud the said society out of their regular gate fees, shall, upon conviction, pay a fine [of] not less than ten dollars, nor more than fifty dollars, which fine may be recovered before the county judge of Fulton county, or any justice of the peace for said county, upon warrant in the name of the Commonwealth of Kentucky; and said fine shall, when collected, be paid over by the officer to the treasurer of said society for its use and benefit.

§ 7. That, during the day of any fair of said society, no person shall, without the consent of the board of directors aforesaid, erect upon said fair grounds any stall, booth, or shed, nor sell any confectionery, cakes, fruits, beer, ale, cider, apples, or refreshments of any kind, or sell or give away any spirituous, vinous, or malt liquors, upon the grounds owned, occupied, or used by said society for the purposes of the fair, or within one half mile of the fair grounds; and any person or persons who shall violate the provisions of this section shall be fined not less than ten nor more than fifty dollars, to be recovered in the same manner and for the same purposes as provided in the preceding section. Each act of giving or selling shall constitute a separate offense.

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Who to manage affairs.

May require bond.

May make rules and regulations

Property of corporation liable for debts of same.

Fees for entrance, &c.

No stall, &c., to be erected upon grounds without consent of directors.

1867.

Persons may be
ejected from
grounds.

§ 8. That the president and board of directors of said society, a quorum being present, are hereby authorized to eject from the fair grounds, during any day of their fairs, all persons who may scale the inclosure of their grounds, or by any unfair device obtain admission to said grounds, and all disorderly, lewd, and obnoxious persons, whose presence they may deem injurious to the interests, good order, and peace of the fair; and should any person so ejected re-enter said grounds, without the consent of a majority of the directors, during the continuance of the fair, he shall be fined in a sum not less than ten nor more than fifty dollars, which fine shall be recovered in the same manner and for [the] same purposes as provided in section five of this act.

Booths, &c.,
may be remov-
ed.

§ 9. That the board of directors aforesaid shall have the power, during the days of their fair, or at any other time, to remove any booth, shed, stall, table, cart, wagon, or other vehicle, at which any article is sold, from the fair grounds.

§ 10. This act shall take effect from and after the day of its passage.

Approved January 18, 1867.

CHAPTER 1031.

AN ACT to incorporate the African Cemetery Company, of Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jeff. Porter, Henry Cröse, John Thompson, Bird Pattersons, and George Holt, and such other persons of color as shall become subscribers, as hereinafter provided, be incorporated as a body politic, with perpetual succession, under the name and style of "The African Cemetery Company, of Bourbon County;" and by that name shall sue and be sued; contract and be contracted with; to purchase and hold, as a cemetery, ten acres or less of land; and the capital stock of said company shall not exceed the sum of five thousand dollars, divided into shares of twenty-five dollars each.

§ 2. The aforesaid persons, or any two of them, shall, at any time or place, open books to receive subscriptions to said stock, and close the same at pleasure; and they shall constitute the first board of directors of said company, holding their office until the first Saturday in January, 1868, and until their successors are elected; and on the first Saturday in January of each year, said stockholders shall elect five directors, for the term of one year, to manage and control the affairs of said company; one of the directors shall be chosen president thereof at their first meeting;

and they may elect such other officers as they shall deem necessary, and prescribe their duties; and may make such by-laws as may be proper for the government of said company. 1867.

§ 3. The said stock shall be transferable in any mode said directors may prescribe; and the land owned by said company shall be exempt from taxation.

§ 4. The county court of Bourbon, a majority of the justices in commission being present and concurring, may appropriate for the use of, and donate to said cemetery company, such a sum of money as they shall deem right and proper; and such appropriation may be made at any regular term.

§ 5. At least one half of the land owned by said company shall be set apart and used for the burial of persons of color who are not stockholders and owners of lots, and the residue may be divided into lots and sold, under the direction and at the discretion of said directors; and the purchasers shall have the exclusive right thereto, subject to all just rules and regulations concerning the same that said directors may ordain; and any such purchaser shall have the right to sell and convey all his interest therein at pleasure.

§ 6. This act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1033.

AN ACT to incorporate the Bourbon and Fayette Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That those persons who may subscribe stock to construct a turnpike road from a convenient point on the Maysville and Lexington turnpike road, near the late residence of Aaron Smedley, in Bourbon county, to the line between said county and Fayette county, near the residence of John Innis, shall be, and are hereby declared to be, a body corporate, under the style and name of the Bourbon and Fayette turnpike road company; and by such name shall have perpetual succession; sue and be sued, contract and be contracted with.

§ 2. The capital stock of said company shall not exceed the sum of five thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The following persons shall be commissioners to obtain stock in said road: John F. Jacoby, Joshua Corbin, Dudley Logan, and William R. Logan, or any two or more of them, may act. They may, at any time and place, open books for such subscriptions, and close the

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same at pleasure. When stock sufficient to build two miles of said road has been subscribed, the company shall be organized by the election of five stockholders as directors (one of them to be by the board elected president thereof), who shall continue in office one year, and until their successors are chosen. The first board of directors shall be chosen at a time and place designated by the acting commissioners, notice of which shall be given for ten days previously, by advertisement inserted in a newspaper printed at Paris, Bourbon county.

§ 4. The right of way, land for toll-house (not exceeding one acre), and materials for the construction of said road, may be obtained in the manner prescribed by chapter 103 of the Revised Statutes, title "Turnpikes and Plank-roads."

§ 5. As soon as said road is completed between the points herein named, the company may erect thereon a toll-house and gate, and collect tolls for the distance traveled, according to the same rates allowed by law to be collected by the Paris and Georgetown turnpike road.

§ 6. The county court of Bourbon county, at any regular term, a majority of the justices of the peace in commission being present and consenting, may subscribe stock in said company, not exceeding one thousand dollars per mile for each mile in said county; and if such subscription is made, shall levy upon the taxable property in the county such tax as shall be sufficient to pay the same; which tax shall be collected by the sheriff as other taxes of the county are, and paid to the county treasurer, and by him to the treasurer of said road.

§ 7. Said board of directors may elect a treasurer and secretary, and take from them bond for the faithful performance of their duties.

§ 8. This act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1035.

AN ACT to authorize the Baptist Church at Oakland, Gallatin County, to convey real estate.

WHEREAS, Some doubt exists as to the authority of the trustees of the Oakland Baptist Church to convey real estate of said church sold by them for the benefit of said church to Jefferson Peak; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel A. Green and others, trustees of the Oakland Baptist Church, in Gallatin county, be, and they are hereby, authorized and empowered to convey by deed

to the purchaser, Jefferson Peak, a lot of ground containing about three acres, situate near said church in said county, and being the same lot or parcel of ground conveyed by Benjamin Brett to the said Oakland Church, by deed of record in the clerk's office of the Gallatin county court; and said conveyance shall pass all the title of said church in and to said parcel or lot of ground.

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§ 2. This act to take effect from its passage.

Approved January 18, 1867.

CHAPTER 1036.

AN ACT to increase the County Levy of Laurel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of levies and disbursements of Laurel county be, and they are hereby, authorized to increase the county levy for the year 1867, sufficiently to meet and discharge the indebtedness of said county.

§ 2. This act to take effect from its passage.

Approved January 18, 1867.

CHAPTER 1037.

AN ACT for the benefit of the Police Judge of the Town of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the police judge and his successors, of the town of Bowling Green, Kentucky, be allowed, in cases of breach of the peace wherein he presides, the same fees as justices of the peace are now allowed by law in such cases.

Approved January 18, 1867.

CHAPTER 1038.

AN ACT to authorize the County Court of Bracken County to sell the Poor-house and Farm in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bracken county be, and they are hereby, empowered to sell the poor-house and the lands belonging thereto, or such part thereof as they may designate; they may appoint a commissioner to sell and convey the same upon such terms as they may direct, and such conveyance, when acknowledged before and approved by the court, shall convey to the purchaser the

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title held by said county. The proceeds of said sale shall be appropriated to the purchase of another poor-house and farm, or the liquidation of a portion of the principal of the debt of said county, as the justices may deem best.

§ 2. This act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1039.

AN ACT to change the time of holding the Court of Claims for Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims for Bracken county shall be held on the fourth Monday in May, instead of the fourth Monday in October, in each year.

§ 2. This act shall take effect from its passage.

Approved January 18, 1867.

CHAPTER 1040.

AN ACT to repeal the laws giving power to the Trustees of Lawrenceburg to grant Coffee-house License in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws giving power, to the trustees of the town of Lawrenceburg, in the county of Anderson, to grant coffee-house license in said town, be, and the same are hereby, repealed.

§ 2. This act to take effect from its passage.

Approved January 18, 1867.

CHAPTER 1041.

AN ACT for the benefit of Grigsby & Robinson,

WHEREAS, L. B. Grigsby and J. F. Robinson, jr., partners under the style of Grigsby & Robinson, are the proprietors of the Phoenix Hotel, in the city of Lexington, and, as such, have made large expenditures in improvements in making the same a first-class hotel for the accommodation of the public; now, to enable said Grigsby & Robinson to raise the money necessary to pay for said improvements, and to make others necessary and useful,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Grigsby & Robinson shall be, and they are hereby, authorized to issue their bonds, not exceeding

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eighty thousand dollars in amount, in sums not exceeding one thousand dollars, nor less than one hundred dollars, and bearing an annual interest of eight per cent., payable semi-annually, with coupons or interest warrants for the semi-annual interest thereto attached, and the principal payable at any time they may fix, not exceeding twenty years; and to secure said bonds, may execute a mortgage or deed of trust on said Phoenix Hotel, and all the furniture thereof, including such as may at any time before the maturity of the bonds aforesaid [be] placed in said hotel; and also any other property of said Grigsby & Robinson which they may include in said mortgage or deed of trust; and such provisions as they shall make in said mortgage or deed of trust concerning the sale or other disposition of the property, for the security and payment of the principal or interest of such bonds, shall be valid.

§ 2. That said Grigsby & Robinson shall be authorized to dispose of and sell said bonds on such terms as they think proper; and any of the banks of this Commonwealth, or other corporations, and trustees and guardians of infants, shall be authorized, under the same responsibility as in making other loans of trust or other funds, to purchase said bonds, without being liable by reason of anything contained in their charter, or by the general laws against receiving interest beyond the rate of six per cent. per annum.

§ 3. This act shall take effect from its passage.

Approved January 19, 1867.

CHAPTER 1042.

AN ACT to charter the Falls City Wooden Ware Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Bridgeford, Stephen E. Jones, O. Rawson, C. B. Pratt, and John G. Barrett, and their associates, be, and they are hereby, incorporated, under the name and style of "The Falls City Wooden Ware Manufacturing Company;" and under that name and style shall be known and have perpetual succession; may have a common seal; may sue and be sued, plead and be impleaded; and may acquire and hold, by deed or lease, such real estate as may be necessary for carrying on their business; may purchase and hold such machinery and personal estate as is necessary for the purpose of carrying on their business; but such real and personal estate not to exceed in value the capital stock.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall be a sum not exceeding the sum of two hundred and fifty thousand

Capital stock.

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dollars (\$250,000), to be divided into shares of one hundred dollars (\$100) each; and said company shall not commence business until the sum of fifty thousand dollars (\$50,000) shall have been subscribed, and ten per cent. of the same shall have been paid in.

Who to manage affairs of corporation.

§ 3. That said company, and the business affairs of the same, shall be under the control and management of five (5) directors, chosen by the stockholders annually, one of whom shall be chosen as president; said incorporators herein named shall be, and act as said directors, until there shall be an election of the same. The election shall take place upon the first Tuesday in January, in each year.

Agents, &c., to be appointed

§ 4. Said incorporation shall have power to elect and appoint by her directors such agents, officers, and employees as they shall deem fit for the interest of said company; they shall have the rights and power to make and establish such rules and by-laws as shall be fit for the best regulation of their business, not inconsistent with the Constitution of the United States and the Constitution and laws of the State of Kentucky.

Business of corporation.

§ 5. The business of said incorporation shall be the dealing in lumber and the manufacture of wooden ware.

May open books for subscription of stock.

§ 6. The incorporators may, at any time and place, open books for the subscription of stock, and may prescribe the mode of the payment of the same; said company shall have and hold a lien on the stock of the company for any debts owing by said stockholders to said company.

§ 7. That this law shall take effect and be in force from and after the date of its passage:

Approved January 19, 1867.

CHAPTER 1943.

AN ACT to incorporate the United Baptist Church, at Fountain Run, Monroe County, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wiley J. Simmons, Samuel H. Franklin, and John C. Howard and their successors, be, and are hereby, created a body-politic and corporate, by the name and style of "The Trustees of the United Baptist Church at Fountain Run, Monroe County, Kentucky;" and by said name shall have perpetual succession; and in their corporate name have power to buy, to take by devise or bequest, or by gift or by deed, any real estate not exceeding the amount allowed by law to churches, and any personal property; and to hold, convey, and otherwise dispose of the same, with all the powers incident to religious corporations; and shall sue, plead and be impleaded; so far as

may be necessary to protect the property and rights of said church; and to hold and employ the property so acquired and held by them, and dispose of it and make contracts about it, solely for the use and purpose of carrying out and promoting the religious interest of said church.

§ 2. In case there should be a vacancy in the trustees of said church, they shall have the authority to fill the vacancy by a majority of the votes of her members.

§ 3. This act to take effect from and after its passage.

Approved January 19, 1867.

CHAPTER 1045.

AN ACT to amend the charter of the Beargrass Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Beargrass Railway Company is authorized and empowered to lay out, locate, construct, and contract for, maintain, operate, and use a single or double railway track or road, with all the necessary and convenient tracks for turn-outs, side-tracks, and appendages, from Beargrass creek, or any point within the limits of the city of Louisville, or outside of said limits, to the Fair Grounds or beyond the same, upon or along or near to the mettled or macadamized parts or portions of the Shelbyville turnpike road, or upon any part of the dirt road running parallel with said macadamized turnpike road, or upon the ground lying between the said road and the track of the Louisville and Frankfort railroad. But nothing in this act or the said charter shall be so construed as to prohibit the use of the dirt road, upon which the railway may be laid, for the customary travel thereon; and said railway shall not be so constructed as to prevent the ordinary travel on said dirt road. And said Beargrass railway company may, by purchase, writ of *ad quod damnum*, or otherwise, procure and establish the right of way for their railway, turn-outs, side-tracks, car-sheds, stables, and appendages; the writs of *ad quod damnum* to be issued from the Jefferson court of common pleas, on the petition of said company, and to be subject to the proceedings and rules prescribed by the statute regulating such writs.

§ 2. That said company may organize when ten thousand dollars of the capital stock is subscribed for, and may borrow money or issue bonds for the purpose of procuring the right of way and construction of said railway, and the purchase of the animal or steam power and cars, stables, sheds, land, and whatever may be necessary to construct, maintain, and operate said railway; and to secure the payment of money borrowed, or bonds issued, or any con-

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tract made by said company, may mortgage or pledge the railway, and all other, or any property of the company, and the company's rights under the charter and this amendment thereto. But said company shall not contract to pay, for the loan of money, a greater interest than at the rate of ten per cent. per annum.

§ 3. The said company may contract with any person or persons or corporation to provide the running stock and locomotive power to operate said railway; and may contract with any person or persons or corporation to lay out, locate, maintain, and operate said railway, on such terms and conditions as may be agreed on.

§ 4. That J. L. Hyatt, Jos. Serb, H. J. Stites, Godfrey Stiltz, J. H. Russell, Joseph Raymond, J. H. Lindenberger, U. E. Ewing, and Wm. H. Meriwether, are added to the corporators named in said original charter; and so much of the said charter as conflicts with this act is repealed.

§ 5. This act shall take effect from its passage.

Approved January 19, 1867.

CHAPTER 1046.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Columbia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend the charter of the town of Columbia, approved February 17, 1866, be so amended that the words "at their discretion" be stricken out, and insert in lieu thereof the words "to tavern-keepers only."

§ 2. This act shall take effect from its passage.

Approved January 19, 1867.

CHAPTER 1047.

AN ACT to change the name of the Greasy Creek and Poplar Mountain Coal, Oil, Manufacturing, Lumber, and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Greasy Creek and Poplar Mountain Coal, Oil, Mining, Manufacturing, Lumber, and Transportation Company be, and the same is hereby, changed, and the name of said company or corporation shall be the Poplar Mountain Coal Company.

§ 2. The capital stock of said company is hereby reduced from five millions of dollars to two millions; but the said company may, from time to time, increase said capital

stock to any sum they may deem proper, not to exceed five million dollars.

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§ 3: This act to take effect from its passage.

Approved January 19, 1867.

CHAPTER 1048.

AN ACT to charter the Jefferson Ferry Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. R. Ray, H. K. Thomas, Henry Dent, Jas. Harrison, and J. J. T. Murray, and their successors, associates, and assigns, are created a body corporate and politic, by the name and style of the Jefferson Ferry Company; with power to contract and be contracted with, sue and be sued in that name, in all courts and places; to have a common seal, or to act without such seal.

§ 2. The right and privilege is given to said company to maintain and conduct a ferry across the Ohio river at or near to the terminus of the road called the Fountain Ferry road, in Jefferson county, Kentucky, or where Market street, if extended on a straight line, will strike said river; and to have and hold, by purchase or lease, the land necessary for said ferry on said river: *Provided*, That said company, before it shall use said ferry privilege, shall execute the covenant with good security, required by the 39th chapter, title "Ferries," of the Revised Statutes, and all amendments thereto; and shall be subject to and governed by the laws of this State in regard to ferries.

§ 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and said company use either animal or steam power in their ferry-boats to propel the same; and the business, affairs, terms of subscription for stocks, terms of payment, and prudential concerns of said company, shall be managed and controlled by a board of five directors, all of whom shall be stockholders in said company, and shall be elected annually on the first Monday in January; but shall hold their office until their successors are elected and qualify. The said board of directors shall elect one of their own body president annually; and may appoint all necessary officers and agents, and employ servants to carry on said ferry; and may require bond with security of such officers and agents or servants, with such conditions and penalty as the said board of directors shall deem proper for the protection of said company, or other persons; and said board of directors may pass and enforce by-laws for the government of said ferry, and said company's

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§ 4. This grant of a ferry shall be for twenty years, and this act shall take effect from its passage.

Approved January 19, 1867.

CHAPTER 1049.

AN ACT to authorize the County Court of Barren County to subscribe for stock for and on behalf of Barren County, in the Barren County Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may subscribe
stock, and levy
tax to pay same.

§ 1. That the Barren county court is hereby empowered and directed, for and on behalf and in the name of Barren county, to subscribe the sum of two hundred thousand dollars to the capital stock of the Barren County railroad, and to levy the sum so subscribed on the taxable property of said county; but no such subscription of stock shall be made until said court shall have been petitioned in writing to make said subscription of stock by a majority of the legally qualified voters of said county: *Provided*, That the amount of stock so subscribed shall be expended in the completion of said road and for no other purpose.

Commissioners
to be appointed
to circulate peti-
tions for sub-
scription of
stock.

§ 2. That the county court of said county is hereby authorized and directed to appoint five or more commissioners to circulate petitions in favor of said subscription of stock among the qualified voters of said county, and procure the names of such persons as are qualified voters of said county who may favor said subscription of stock on the part of said county; and said commissioners shall return said petitions, with the names thereto attached, to the office of the clerk of the Barren county court, with the certificate of each commissioner appended to the petition by him so circulated, verified by his affidavit to the effect that each petitioner whose name appears to said petition subscribed the same in his presence, or authorized his name to be so subscribed; and that, to the best of his knowledge and belief, said petitioners are legally qualified voters of said county.

County court
to appoint com-
missioners—
their powers &
duties.

§ 3. It shall be the duty of the Barren county court, when notified by the president and directors of said railroad company, to appoint three commissioners, by a proper order entered of record in said court, any two of whom may act, whose duty it shall be to meet within three days after notification of their appointment, in the office of the clerk of the Barren county court, and to sum up the number of qualified voters of said county whose names appear to the said petitions so returned, and to compare the list of said petitioners with the enumeration of the qualified voters of

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Barren county, made in the year 1865, by the assessor of said county, as appears by the books returned by him to said clerk's office; and also to certify to said county court whether the said petitioners constitute a majority or minority of the voters of said county. Said commissioners, before they enter on the discharge of their functions, shall each be sworn faithfully and impartially to discharge the duties imposed on them by this act. In case of the refusal of said commissioners, or either of them, to act, said court may appoint others.

Commissioners
to take oath.

§ 4. That upon suggestion to said commissioners appointed by said court, under the next preceding section, that names of persons appear on said petitions, or either of them, who are not legally qualified voters of said county, or that names of persons appear thereto that were improperly subscribed, they may hear proof and determine these questions; and if it should appear that names of persons are found on said petitions who are not qualified voters, or who did not subscribe the same, or direct it to be done, they shall be stricken off; and for the purpose of making this investigation, said commissioners are empowered to administer an oath to all witnesses who may be produced before them, and to meet and adjourn from day to day for ten days.

Names may be
stricken from
petitions.

§ 5. That upon the presentation of the certificate of the commissioners appointed by said court to sum up the number of qualified voters to said petitions, and to compare them with the enumeration of the qualified voters of Barren county, made in the year 1865, by the assessor of said county, in open court, that a majority of the legally qualified voters of said county have petitioned the said court to subscribe said stock for and on behalf of said county, it shall be the duty of the said court, by an order regularly entered of record, to subscribe said stock for and on behalf of said county, as directed by the first section of this act, and for the purposes therein mentioned. The court shall also cause the certificate of said commissioners to be regularly entered of record as part of the order of said court subscribing said stock.

When county
court may sub-
scribe stock.

§ 6. That the amount of stock so subscribed shall be paid out and discharged by an issue and delivery of the bonds of said county, made payable to the president and directors of the Barren County railroad company; said bonds to be issued and delivered to said president and directors from time to time, as the exigencies of the work on the road demand; and they shall be signed by the presiding judge of the Barren county court, and countersigned by the clerk thereof, with the seal of his office thereto attached; and the amount, date, and number of each bond shall be entered on the records of said court. Each one of said bonds shall be issued for such amount as the president and direct-

Amount of
stock subscrib-
ed—how dis-
charged.

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ors of said road may name. Ten thousand dollars of said bonds shall be due and payable on the first day of January, 1869, and a like amount due and payable on the first day of January of each succeeding year thereafter, until the whole amount of said subscription of stock is paid. Said bonds shall draw interest at the rate of six per cent. per annum, payable annually in the city of New York, or at such other point as the said president and directors may stipulate for in their transfer or sale thereof. Each one of the said bonds shall have coupons attached for the payment of the interest thereon, and may be negotiated by the president and directors of said company by their indorsements thereon.

Interest to be paid.

§ 7. That the said county court of Barren county shall punctually pay the interest on said bonds, and the bonds as they fall due, out of the money arising from the said levy upon the taxable property of said county, until the stock herein authorized to be subscribed shall be entitled to draw dividends, and then the president and directors of said company shall, *ex-officio*, apply said dividends, or such amount thereof as may be necessary, to the payment of said interest on said bonds; and any excess of dividends shall be paid over to a commissioner, hereafter to be appointed to receive the same; but the said county court shall at all times pay said bonds when due, and any deficiency in the amount of interest on said bonds, unpaid in consequence of the insufficiency of the dividends, or from any other cause.

Provision to be made for payment of interest.

§ 8. That said county court shall, from time to time, make due and ample provision to meet and pay the interest upon said bonds, and the bonds as they mature and fall due; and to that end shall have power to hold its session at any time, and shall levy an *ad valorem* tax upon all property, real and personal, money, choses in action, and other rights within the said county of Barren, which may be listed for State taxes.

Penalty on court for failing to perform duties.

§ 9. That if said county court shall fail or refuse to perform any of the duties enjoined upon it under this act, it shall be subject to mandamus or other appropriate remedy at the instance of the president and directors of said company, or the holder or holders of any of said bonds, instituted in the Barren circuit court, to compel a performance thereof. An application for a writ of mandamus, in virtue of this act, shall be by motion in said circuit court, upon a notice of ten days, in writing, of such motion, to the presiding judge of said county court.

Tax-payers to receive certificate of amount paid.

§ 10. That all persons paying any tax under this act shall be entitled to a certificate of the amount so paid from the officer to whom it may be paid, addressed to the president and directors of said company, which certificate

shall be assignable. Any person holding such certificates, sufficient in amount to make a share or shares of stock in said company, shall be entitled to a certificate of capital stock, upon which he will be entitled to receive dividends, after the extinguishment of said bonds with their interest.

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§ 11. The said county court shall have power to appoint an assessor or assessors, if necessary, to list property for taxation, and require from said assessor a bond with good security, conditioned for the faithful discharge of his duty, payable to the Commonwealth of Kentucky; or said court may use the commissioner's books of Barren county, appertaining to the State revenue, for the purpose of levying and collecting the taxes imposed under the authority of this act. The said county court shall also have power to appoint a collector or collectors, and to take from them bond or bonds, with sufficient security, payable to the Commonwealth of Kentucky, conditioned for the faithful discharge of their duties under this act, and to make all proper auxiliary orders and regulations concerning them. Said court shall have power to appoint a county treasurer or commissioner, who shall be required to give bond, with good and sufficient security, payable to the Commonwealth of Kentucky, for the faithful discharge of his duties under this act. The treasurer or commissioner so appointed by said court shall keep his office in the town of Glasgow; and for his services shall be paid a reasonable compensation by said county court out of the tax so levied. The treasurer or commissioner shall continue in office two years, and until his successor is appointed and qualified; all tax accounts shall be placed in his hands for collection for the period of three months from the time they are made out; and during that period persons owing tax levied for the purposes of this act may pay to the county treasurer his, her, or their taxes, without any charge thereon; and those failing so to pay shall pay such commissions for the collection of their taxes by the collectors, as the said county court, by its order, may assess on them. The said treasurer shall give twenty days' public notice of the time or times when said taxes shall be due and payable; and immediately after said three months shall have expired, said treasurer shall deliver to the collector the book containing the accounts of the tax-payers, with entries in favor of all persons who may have paid their taxes, taking his receipt therefor, which receipt shall be filed in the office of the clerk of the Barren county court.

Assessor to be appointed.

Collector to be appointed.

County treasurer to be appointed.

§ 12. That the collector, when said tax-book shall be placed in his hands by the said treasurer, shall forthwith proceed to collect the taxes remaining unpaid, and shall have the same power to coerce and enforce the payment

Power of collector.

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of said tax as the collector of the State revenue has under the general law, and be subject to the same liabilities as the collector of the State revenue for a failure to collect and pay over the same, by appropriate proceedings in the Barren circuit court, at the instance of the president and directors of said company or any of the bondholders aforesaid.

County treasurer, &c., to settle with collector.

§ 13. That it shall be the duty of the county treasurer or commissioner to make all settlements with the collector for taxes by him collected, and to report the settlements so made to the Barren county court for its approval. He shall receive the taxes collected by the said collector and pay off the interest on said bonds, and the bonds as they mature. And said treasurer shall also receive from the president and directors of said company any excess of dividends from said stock, after paying the interest on said bonds, and hold it for the purpose of paying off said bonds. The said treasurer shall annually report his acts and doings to the Barren county court for confirmation; and for any malfeasance or misfeasance in office he shall be removed from office by said court, and said court shall forthwith appoint a successor.

* Holders of bonds to have lien on stock.

§ 14. The holders of the bonds hereby directed to be issued shall have a lien on the stock hereby directed to be subscribed for the payment of said bonds and their interest.

§ 15. This act shall take effect from its passage.

Approved January 22, 1867.

CHAPTER 1050.

AN ACT to amend the charter of the American Horse Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section first of said act be amended as to read "American Insurance Company, of Louisville, Kentucky," in place and in stead of American Horse Insurance Company, of Louisville, Kentucky.

§ 2. The said company may make insurances and take risks, both marine and fire, and also against lightning and wind, on all kinds of property, and all such risks as fire and marine insurance companies take, and to charge and receive therefor such premiums as may be mutually agreed upon between the parties; and said company may transact the insurance business upon the mutual or participation plan, dividing the profits with the assured, on such terms as may be prescribed by the by-laws of said company, or on the stock plan, or both.

§ 3. That so much of sections twelfth and fourteenth of said act be amended as to read "any property," in place and in stead of "live stock."

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§ 4. This act to take effect from its passage.

Approved January 22, 1867.

CHAPTER 1051.

AN ACT to incorporate the United Baptist Church, at Indian Creek, Monroe County, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. E. Downing, Ellis Riggs, and J. M. Neal, and their successors, be, and they are hereby, created a body politic and corporate, by the name and style of "The Trustees of the United Baptist Church, at Indian Creek, Monroe County, Kentucky;" and by that name to have perpetual succession; with all powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said church, which now or may hereafter belong to the same; that whenever vacancies may occur in the office of the trustees, it shall be lawful for them to be filled pursuant to the discipline and rules of said church.

§ 2. This act to take effect from and after its passage.

Approved January 22, 1867.

CHAPTER 1052.

AN ACT for the benefit of Seth Parker and others.

WHEREAS, At the March term, 1865, of the Lewis county court, there was granted to Madison Thomas fifty-six certificates for two hundred acres each, numbered from one to fifty-six, authorizing said Thomas to locate eleven thousand and two hundred acres of vacant land in Lewis county; and whereas, it is represented that there was not, at the date of said certificates, that quantity of vacant land in said county; and it is further represented that said Thomas was not present when said certificates were granted, and knew nothing of the quantity granted until too late to have the same corrected, as said Thomas only desired one thousand two hundred acres, instead of the quantity granted, and has never paid for the excess, while Seth Parker, treasurer of said county, is charged with the whole amount granted; for remedy whereof,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lewis county be, and they are hereby, authorized and required, in settling with Seth Parker as treasurer, to credit him with the amount he has not received from said Thomas on said warrant; and said court is hereby authorized to enter an order annulling all of said certificates not received and paid for by said Thomas, and directing the clerk not to issue the same.

§ 2. This act shall take effect from and after its passage.

Approved January 23, 1867.

CHAPTER 1053.

AN ACT to incorporate the Bardstown Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Who to constitute comp'y, and corporate powers.

§ 1. That the board of trustees of Bardstown shall constitute the Bardstown Cemetery Company; and by that name shall be able and capable in law to have and use a common seal; to sue and be sued, plead and be impleaded, and do all such other things as are incident to such a corporation; that said company shall have power to purchase or acquire title to any quantity of land in the county of Nelson, not exceeding fifty acres, and receive a conveyance of the same, with such covenants of warranty as they may think proper; that the land and appurtenances, when conveyed to said corporation, shall be held solely and exclusively for a cemetery and ornamental grounds connected therewith; and shall never be alienated, sold, or used by said corporation for any other purpose than burial lots as hereinafter prescribed; but the said corporation may permit their superintendent or other officers to use that portion of their grounds and buildings not sold for burial lots for horticultural purposes: *Provided*, The same is used in a manner not inconsistent with the reverence and respect due to the cemetery of the dead. The said company may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds; and may vest in State stocks or loan out any spare funds that from time [to time] they may have; but they shall never exercise or attempt to exercise any banking powers.

Land and appurtenances to be held exclusively for cemetery.

May take by devise, &c.

To keep record of proceedings, &c.

§ 2. The said company shall keep a regular record of all their proceedings, and shall always preserve an accurate map and survey of the grounds and lots, and have the same recorded in the county court clerk's office of Nelson. The sale of lots for burial purposes shall be held and used by

said company exclusively for keeping said grounds in repair and in ornamenting the same.

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§ 3. The said company shall have power to lay out and ornament said grounds, and, from time to time, alter, repair, and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds; and for the purpose of defraying the incidental expenses of the corporation, shall apply the funds belonging to same; they shall have power to lay off and sell and convey burial lots either at public or private sale; to make, from time to time, all such by-laws and regulations as may be necessary for the purposes of the corporation; they shall have the power to appoint, from time to time, such superintendents and other officers as they may think necessary, and take from them such bond as may be required. All funds that may come to the corporation, from any source whatever, shall be applied, first, to reimburse those who have made advancements, and shall afterwards, in all time to come, be applied to ornament and to improve the grounds and defray incidental expenses.

May lay out and ornament grounds.

Lay off and sell lots.

Make by-laws.

Superintendent and other officers to be appointed. How funds to be applied.

§ 4. When a burial lot is purchased, the trustees shall give a certificate thereof, under seal of the corporation, which shall vest the purchaser with title; this title may be transferred according to such rules and regulations as may be prescribed by the laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise as other real estate. Such lots shall never be used for any other purpose than burial lots; and if applied to any other use, the title shall revert to the corporation.

Certificate of purchase to be given.

May be transferred.

§ 5. If any person shall forcibly and without lawful authority violate any of the graves of the dead, or deface any of the tombstones, monuments, or inclosures, or injure any of the grounds of the corporation, such person or persons so offending, besides being liable to an indictment for misdemeanor, and punishable according to the discretion of a jury, shall be liable to the corporation in an action, or to the owner of the lot upon which the damage or injury may be committed.

Penalty for violating graves, &c.

§ 6. This act shall take effect from its passage.

Approved January 22, 1867.

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CHAPTER 1054.

AN ACT to incorporate the Lexington Observer and Reporter Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. G. Chinn, W. A. Dudley, R. A. Gibney, James B. Beck, Hart Gibson, B. G. Thomas, and their associates, shall be, and are hereby, created a body politic and corporate, by the name and style of "The Lexington Observer and Reporter Printing Company;" and as such shall have perpetual succession, and be capable in law of contracting and being contracted with, suing and being sued, and making and receiving conveyances.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, for which certificates shall be issued to the stockholders, transferable by person or by attorney upon the books of the company.

§ 3. The affairs of the company shall be managed by a chairman and four directors, to be chosen annually by the stockholders on the first Saturdays of July in each year; and if, for any cause, the election is not held at this regular annual meeting, it shall be held at the next stockholders' meeting. An editor of the paper and a secretary and treasurer shall be elected, and their salaries fixed by the stockholders, and shall hold office during the pleasure of the stockholders. All other subordinate officers shall be chosen and their compensation fixed by the chairman and directors. The chairman and directors shall have the power to make all needful by-laws and regulations, not inconsistent with this charter and the laws of this Commonwealth.

§ 4. The annual meetings of the stockholders shall be held on the first Saturdays in July in each year. Called meetings may be held at any time, upon the requisition of two directors, or stockholders owning one fourth of the entire stock, but notice of said called meeting shall be first given by publication for one week in the columns of the paper. At all meetings of the stockholders each share of stock shall entitle its holder to one vote.

§ 5. The profits of the company shall be divided among the stockholders upon the first Mondays of January and July of each year. Not more than ten per cent. upon the capital stock of the company shall be expended by the directors for improvements during any six months, without first obtaining the consent of a majority in interest of the stockholders. When such expenditure has not been made during the preceding six months, the directors may, upon dividend day, set apart an equivalent sum as a contingent fund. At no time shall the directors incur a debt exceed-

ing five hundred dollars, without first obtaining the consent of a majority of the stockholders.

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§ 7. To constitute a quorum of the stockholders, at least two thirds of the stock must be represented. A quorum of the directors shall consist of a majority of the chairman and directors.

§ 8. The company shall have the power to purchase and hold any real estate proper to be used in the conduct and management of its business, and to sell, transfer, or exchange such real estate when purchased. The company may also, by the consent of three fourths of the stock, increase its capital: *Provided*, Said increase is not greater than double the present capital.

§ 9. This act shall take effect upon its passage.

Approved January 22, 1867.

CHAPTER 1055.

AN ACT to incorporate the Harrod's Creek and Sand Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road from the Brownsboro and Guyton mill road, near Rankin's gate, to intersect the Louisville river or gravel road, near Sand Hill school-house, to be located upon the nearest and most practicable route between said points, under the name and style of the Harrod's Creek and Sand Hill turnpike road company.

Route of road.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, and shall be assignable on the books of said company.

Capital stock.

§ 3. The books for subscription shall be opened by Jas. Netherton, Joseph Lock, Abram Yager, Abram Hardin, P. N. Yager, William Wilhoit, and John Netherton, who are hereby appointed commissioners for that purpose, at such times as they, or a majority of them, may deem proper. They shall insert in said subscription book an obligation as follows: "We, whose names are hereto subscribed, severally promise to pay to the president and directors and company of the Harrod's Creek and Sand Hill turnpike road company, the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and in such proportions, and at such times, as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —." When the sum of five thousand [dollars] shall have been subscribed

Commissioners to open books.

When to organize.

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Term of office.

to the capital stock of said company, it shall be the duty of the commissioners named in this section to give notice, in such manner as they think proper, of a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors shall be elected and qualified; the time and place of all elections after first election shall be fixed by the president and directors. A majority of the board shall be competent to do business.

Body politic,
and corporate
powers.

§ 4. So soon as said company is organized by election of officers, the president and directors shall be a body politic and corporate, in fact and in law, by the name and style of the Harrod's Creek and Sand Hill turnpike road company; and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and taking and holding, by purchase or gift, as may be necessary or proper for the prosecution of their work or the objects of this corporation; they shall have power to contract and be contracted with, sue and be sued, in all courts of law or equity; also to use and have a common seal, and generally to do all and every act, matter, or thing which a corporation may lawfully do to effect the objects for which said corporation was created.

Elevation and
grade of road.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, and the width of that part thereof to be covered with stone or gravel; shall designate the place of erecting toll-gates; may fix the rates of tolls; may regulate and change the same; but said rates shall not exceed those prescribed by the general law; they shall have power, after two miles and one half shall have been completed, to erect a gate and collect tolls, and apply the proceeds thereof to the completion of said road.

May enter upon
lands and ex-
amine quarries,
&c.

§ 6. The president and directors, with their surveyors, engineers, artists, and chain-carriers, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and examine quarries or beds of stone or other materials necessary for the construction of said road.

May enter upon
lands for
construction of
road.

§ 7. It shall be lawful for said president and directors, with their superintendents and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon the lands in and over, contiguous to which said road shall pass, having first given notice to the owners or occupiers thereof; they

shall have power to take and receive from the owners of land the right of way over and through the lands where said road shall be located. If they be unable to procure the right of way in any instance, and cannot agree with the owner or owners of the land through which said road is to pass as to the damages which the owner will sustain by reason thereof, then the president and directors shall apply to the Oldham or Jefferson county courts for a writ of *ad quod damnum*, in the manner prescribed by the Revised Statutes, to assess the damages which may be sustained by the owners of said land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and, upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry [away] any stone, gravel, or other material, necessary for the construction or repair of said road.

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How right of way obtained.

§ 8. The president and directors shall give notice, in such manner as they may deem proper, of the amount of call on each share of stock, and the time of payment.

Calls on stock.

§ 9. The president and directors shall appoint a treasurer, and such other officers as they may deem necessary and proper, with such compensation for their services as said president and directors may deem just, who shall hold their offices for one year, at the will of said board, and until their successors shall be appointed and qualified. The treasurer, before he enters on the duties of his office, shall give bond and security, in such sums as the board may direct, payable to themselves, and conditioned to pay over any and all sums in his hands to the order of the president and directors.

Treasurer and other officers to be appointed.

§ 10. That after said company is organized they may contract with any person for subscriptions of stock in said road, to be paid in work done thereon.

Subscriptions may be paid in work.

§ 11. This act take effect from and after its passage.

Approved January 22, 1867.

CHAPTER 1056.

AN ACT to incorporate Powhattan Stamm, No. 80, U. O. R. M.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John C. Gies, H. A. Meyer, John Kammer, Conrad Brill, and Wm. Beck, their associates and successors, shall be hereby created a body incorporate, of the name and style of Powhattan Stamm, No. 80, of the U. O. R. M., in Louisville, Jefferson county, Kentucky, with

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perpetual succession; and by that name shall have power to purchase and hold real or other estate as may be required for their use, to the amount not exceeding ten thousand dollars; they are capable in law to contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity within this Commonwealth; to compel their individual members to pay all dues or other moneys which may properly be owed by such; to make and use a common seal, to break, amend, or alter the same at pleasure; and service of process, when made in pursuance of by-laws on the O. C. secretary or treasurer, shall be deemed sufficient notice; and they shall make no by-laws contrary to the laws of this State or the United States.

§ 2. This act shall take effect after its passage.

Approved January 22, 1867.

CHAPTER 1057.

AN ACT to incorporate Hermann Lodge, No. 137, A. D. O. H.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Goepper, John Becker, Phil. Hass, and Fred Schoepflin, their associates and successors, are hereby created a body incorporate for the transaction of a benevolent institution, by the name and style of Hermann Lodge, No. 137, A. D. O. H., of Louisville, Jefferson county, Kentucky; with full power to make contracts, to sue and be sued in all courts of law in this jurisdiction; that their officers shall consist of an O. B., U. B., secretary, and treasurer. That they may hold property, buy and sell to the amount of ten thousand dollars; that they may make by-laws for the regulation of their members, finances, &c.; that they may have and use a common seal, to alter or dismiss the same at pleasure; that they shall make no laws inconsistent with the laws of this State or the United States.

§ 2. This act to take effect from and after its passage.

Approved January 22, 1867.

CHAPTER 1058.

AN ACT to incorporate the Kentucky Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frederick Wedekemper, Job F. Morgan, Frederick Janssen, and Theodore Schwartz, be, and they are hereby, created a corporation and body politic, by the

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name of the Kentucky Lumber Company, for the purpose of manufacturing and selling lumber, staves, shingles, and building materials; and they, with their associates and successors, shall continue and have perpetual succession; and by that name are hereby made as capable, in law, as natural persons, to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this Commonwealth or elsewhere; to use a common seal, and alter the same at pleasure; and to purchase and hold and sell and convey lands, in fee simple and by lease; and to cut, raft, and float timber from said lands, or build any and all kinds of floats, boats, mills, or other buildings, fixtures, and machinery which said corporation may deem proper to further the operations of said corporation. The capital stock of this company shall be twelve thousand dollars, and shall be divided into shares of one hundred dollars each; and the company shall have the power to increase the same to seventy-five thousand dollars.

§ 2. The shares of stock in said company shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation.

§ 3. There shall be an election of directors once every year, at such time and place as may be fixed by the by-laws, of a board of five directors, who shall be stockholders, and shall continue in office until their successors are chosen; and at such elections each share of stock shall entitle the holder to one vote; said directors shall elect [one] of their number president, and another secretary and treasurer. The directors, from time to time, may adopt, alter, repeal, and amend such by-laws and rules for the general management of the property, business, and affairs of the company as they may deem proper, not inconsistent with the laws and constitution of this State; they may keep their offices at such place or places as they may deem best for the interest of the corporation; they may appoint and remove a secretary and treasurer, superintendent, and such other officers as they may deem necessary, with such compensation for services as they may fix; and they may require a bond with security from any or all of such officers as may be elected or appointed, until the next annual election after the passage of this act; the said corporators shall constitute said board of directors, and shall, on their first regular meeting, elect an additional director.

§ 4. This act to take effect from and after its passage.

Approved January 22, 1867.

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CHAPTER 1050.

AN ACT to repeal Sections 1 and 2 of an act, entitled "An act concerning the Police Judge and Town Marshal of Greenville," approved February 13, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one and two of an act, entitled "An act concerning the police judge and town marshal of Greenville," be, and the same are hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved January 22, 1867.

CHAPTER 1061.

AN ACT to change the Voting Precinct in District No. 6, Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the voting precinct in district No. 6, Crittenden county, shall be at William Lamb's spring, instead of Baker's school-house, as heretofore.

Approved January 22, 1867.

CHAPTER 1062.

AN ACT making Allensville Depot the Voting Place in the Allensville Precinct, in Todd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in the Allensville precinct, in Todd county, be, and the same is hereby, removed from Old Allensville to the Allensville Depot, on the Louisville and Memphis railroad, in said district and county.

§ 2. This act shall be in force from its passage.

Approved January 22, 1867.

CHAPTER 1063.

AN ACT making Sharon Grove the Voting Place in Mt. Sharon District, in Todd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in the Mount Sharon district, in Todd county, be, and the same is hereby, removed to Sharon Grove, in said district and county.

§ 2. This act shall be in force from its passage.

Approved January 22, 1867.

CHAPTER 1064.

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AN ACT to amend an act to incorporate the Town of Demossville, in Pendleton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act to incorporate the town of Demossville, in Pendleton county, be so amended as to strike out the words, "*Provided, however, That no one shall be eligible to said office who has not resided in said town one year next preceding his election, and who is not a qualified voter under existing laws for State representative.*"

§ 2. This act shall take effect from and after its passage.

Approved January 22, 1867.

CHAPTER 1065:

AN ACT conferring Civil Jurisdiction on the Police Judge of Lovelaceville, in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Lovelaceville, in Ballard county, shall have, within the incorporate limits of said town, the same jurisdiction in civil cases that justices of the peace now have by law; and that he and his successors be entitled to the same fees that justices of the peace are now allowed in the trial of civil causes.

§ 2. This act to take effect from its passage.

Approved January 22, 1867.

CHAPTER 1066.

AN ACT to revive and amend an act incorporating the Town of Nebo, in Hopkins County.

WHEREAS, By an act approved April 4th, 1861, the town of Nebo, in Hopkins county, was incorporated, and said act is of no effect by reason of the failure to elect trustees and other officers, as prescribed therein; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election of trustees as prescribed in said act shall be held on the first Saturday in April, 1867, and every two years thereafter; and they shall hold their offices for two years, and until their successors are elected and qualified; and the election for police judge and town marshal [shall] be as prescribed in said act, except that the first election shall be held on the first Monday in August, 1867.

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§ 2. The boundary and limits of said town shall be the same as are now of record in the clerk's office of the county court of Hopkins county, survey by B. D. Morton, including the enlargement or additional survey made by him, and also of record as aforesaid.

§ 3. The fees of the police judge shall be the same as those of justices of the peace.

§ 4. The trustees of said town may appoint a treasurer, and require him to give bond and surety.

§ 5. This act shall take effect from its passage, and the act referred to in the preamble shall be declared in full force, except where its provisions are inconsistent with this act.

Approved January 22, 1867.

CHAPTER 1067.

AN ACT concerning the Police Judge and Town Marshal of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of Madisonville, in Hopkins county, shall not have jurisdiction to hear and determine civil actions against citizens of said county residing outside of the corporate limits of said town.

§ 2. That the marshal of said town shall have no power to execute any process by justices of the peace in civil cases.

§ 3. This act shall be in force from its passage.

Approved January 22, 1867.

CHAPTER 1068.

AN ACT to incorporate the Louisville Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names and corporate powers.

§ 1. That J. G. Barrett, J. T. Boyle, E. L. Huffman, J. M. Armstrong, James Bragdon, B. Dupont, J. R. Delvecchio, B. C. Levi, Robert Floyd, James Bridgford, G. H. Cochran, J. M. Duncan, and Z. M. Shirley, and their successors, be, and they are hereby, created a body politic and corporate, by the name of "The Louisville Railway Company," for the term of thirty years, with all the power and authority incident to corporations, for the purposes hereinafter mentioned; and by that name may sue and be sued, prosecute and defend, in any court of this Commonwealth; and may make and use and alter or renew a common seal; and may purchase and hold and sell and convey

such real estate as may be deemed proper by the said corporation, not exceeding in value \$200,000 at one time.

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§ 2. This corporation shall (with the consent of the general council of the city of Louisville) have power to construct, maintain, and operate street railroads, and employ all the requisite machinery, and enjoy all the necessary appendages over, along, and through any and all of the streets of the city of Louisville, except such as are already occupied by other companies, or over, along, and through which the right to construct railroads has already been granted; this corporation shall also have the right to acquire, by purchase or otherwise, the rights, privileges, and franchises of any or of all the corporations operating railways in the said city of Louisville; and any of the rights, privileges, and franchises so purchased or acquired shall remain subject to all the duties and obligations then subsisting, and entitled to all the rights and immunities then enjoyed.

May construct railway, &c.

§ 3. The capital stock of the said corporation shall be one million of dollars, and may be increased from time to time, at the pleasure of the said corporation, and shall consist of shares of one hundred dollars each, to be issued and transferred in such manner as the corporation may direct.

Capital stock.

§ 4. The affairs of the corporation shall be managed by a board of directors, consisting of not less than five nor more than thirteen, one of whom shall be president, all of whom shall be stockholders; the first board of directors shall consist of the corporators herein named, who shall continue in office until their successors are elected by a majority in interest of the stockholders in the said corporation; and the board of directors so chosen shall continue in office for the term of one year, or until their successors shall have qualified. If any of the above directors refuse or fail to act, a majority of the others may fill the vacancy.

Who to manage affairs of company.

First board of directors.

§ 5. The said board of directors may make such rules, regulations, and by-laws, for the management of the affairs of the said corporation, as they may deem proper, not inconsistent with the laws of this State or of the United States.

May make by-laws.

§ 6. Said corporators may open books of subscription for the stock of this corporation, and arrange the mode and manner of receiving such subscription.

May open books for subscription of stock.

§ 7. Whenever five hundred shares are subscribed, and ten per cent. thereon paid in, the said corporators, or any three of them, shall give notice by advertisement of the time and place for an election of a new board of directors.

Election of new board of directors.

§ 8. The board of directors shall also have power to make calls for payment of subscription, not exceeding thirty per centum of the amount subscribed, within every thirty days; and for the purpose of enforcing such calls,

Calls on stock.

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Stock of other
companies may
be received in
this.

May construct
road to any
point within
five miles of the
city of Louis-
ville.

Not to inter-
fere with other
roads.

May borrow
money.

may make rules or by-laws by which the stock of the holder failing to pay may be sold or forfeited.

§ 9. Subscriptions for stock may also be received by the said board of directors in stock of other city railroad companies, upon such terms as may be agreed upon between such companies and this corporation.

§ 10. The said corporation may construct lines of railroad to any point within five miles from the limits of the city of Louisville; and for that purpose shall have the right to acquire land, and the right of way by writ *ad quod damnum*, in the same way that turnpike road companies are now authorized to do by chapter 103, Revised Statutes of Kentucky: *Provided*, That nothing in this section shall authorize said company to construct lines of railroad to any point outside of the limits of said city of Louisville, so as to interfere with the railroad or railway or franchise of any company heretofore chartered by this Commonwealth for a similar object: *Provided further*, That nothing in this act shall authorize the construction of a railway upon any of the streets or alleys within the city of Louisville, without the consent of the mayor and general council of said city.

§ 11. The said corporation may borrow money not exceeding the capital stock of the said company, and issue bonds not exceeding one thousand dollars each; and may pledge or mortgage the property, real or personal, of the corporation for the payment of the same.

§ 12. This act shall take effect from its passage.

Approved January 22, 1867.

CHAPTER 1069.

AN ACT to amend the Charter of the Twelve Mile Turnpike Company, approved March 1st, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Twelve Mile turnpike company be so amended as to permit said company to make the bridge across Four Mile creek a toll-bridge, and to authorize said company to charge persons traveling on said road toll for crossing said bridge, an amount not to exceed full gate fees, for any one gate on said road; and that they are authorized to erect a house, and appoint a collector of toll at said bridge on said road, with all the powers and privileges of a gate-keeper on said road under said charter.

§ 2. That said company be authorized to increase the stock of said company to an amount not to exceed forty thousand dollars. 1867.

§ 3. This act to take effect from its passage.

Approved January 22, 1867.

CHAPTER 1071.

AN ACT to incorporate the Logan County Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby formed a body-politic and corporate, by the name and with the style of the Logan Turnpike Company; with power by that name to sue and be sued, plead and be impleaded, contract and be contracted with; and to have and use a common seal, and change and alter the same at pleasure, for the purpose and with the power of constructing in such manner and managing such turnpike, macadamized, or plank roads in Logan county, as the said company may be able to construct, radiating from Russellville, on the general lines of the present public roads, of which the county court of said county has supervision and control.

Name and style, and corporate powers.

§ 2. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. Hugh Barclay, David King, T. J. Jeffries, R. S. Bevier, R. H. Caldwell, Geo. T. Blakey, E. Burr, jr., R. N. Beauchamp, John Viers, C. H. Blakey, A. J. McLean, T. P. Murray, A. B. Smith, J. R. Finch, Samuel Fowlkes, B. G. Williams, B. K. Tully, S. T. Duncan, and John N. Nourse, are hereby appointed commissioners, any five of whom may act; and whose duty it shall be to open books for subscription of stock in said company. They shall give due notice of the time and place when and where subscription books to the capital stock of said company will be opened.

Commissioners to open books.

§ 4. Upon the written request of said commissioners, or any five of them, the county court of Logan county is hereby authorized and empowered to subscribe to the capital stock of said company an amount not exceeding one hundred and fifty thousand dollars, which said subscription said county court may discharge in the same amount, or the proceeds thereof of its stock in the Louisville and Nashville railroad company, which it is hereby empowered to sell or transfer for said purpose. Should said court refuse to make said subscription as above set forth, then, when petitioned by a majority of all the legal voters of the county, as shown by the last report of the assessor for

County court may subscribe stock.

May sell stock in Louisville & Nashville railroad to pay same.

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said county; or when, by a vote taken at an election ordered by said court, it shall appear that a majority of the votes cast were in favor of said subscription, it shall be the duty of said court to make the same; and said court is hereby authorized and empowered to call said election and appoint officers to conduct the same, and to do all other acts necessary to carry out the purposes for which said election is called: *Provided*, That said election shall be ordered only upon the written application of three fourths of said commissioners.

§ 5. So soon as one hundred shares shall have been subscribed to the capital stock the commissioners aforesaid, or any five of them, shall publicly advertise a meeting of the stockholders, who shall, at the day appointed and in the town of Russellville, convene and elect nine directors, who shall be legal voters of Logan county or stockholders, and who shall act for one year and until their successors are elected and qualified. Said directors shall elect one of their own number president, and shall appoint a secretary and a treasurer, and all other necessary officers. They shall have power to make all needful by-laws and regulations not inconsistent with the constitution and laws of this State and the provisions of this act. Any three of said directors shall constitute a quorum for the transaction of business. The president, board of directors, treasurer, and secretary, shall, before they enter upon the performance of their duties, take an oath before the clerk of the county court, or some justice of the peace of Logan county, that they will faithfully perform the duties of their respective offices. The treasurer shall also give bond, with two or more good securities, payable to the Logan Turnpike Company, with such penalty as the president and directors may order, and conditioned that he will faithfully discharge the duties of treasurer of said company. And said board of directors shall be elected, and the other officers shall be appointed annually, in like manner as above provided for, with power to supply all vacancies.

§ 6. In the construction of its various roads this company shall, as near as may be, follow the lines of the present State or county roads in Logan county, diverging and varying from the same only where a better route for construction can be obtained.

§ 7. All turnpike companies which have been heretofore incorporated in said county shall have the power, upon agreements of their respective board of directors with the directors of the Logan Turnpike Company, to transfer to said Logan Turnpike Company all of their franchises and property.

§ 8. Said company is authorized and empowered to take, use, and enjoy any of the public highways of said county

When to
organize.

President and
other officers to
be appointed.

May make
by-laws.

Quorum

Officers to take
oath.

Treasurer to
give bond.

Route of road.

Other com-
panies may
transfer prop-
erty to this
company.

May use public
highways.

upon which it may decide to build and shall build its turnpike roads hereby authorized.

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§ 9. The following sections and parts of sections of chapter one hundred and three, of the Revised Statutes, entitled "Turnpike and Plank Roads," are adopted as part of this act, to-wit: Section one (except sub-divisions three and four), section two, section three, section eighteen (except sub-divisions three and four), section nineteen, sections twenty-five, twenty-six, twenty-seven, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, and sub-divisions four, five, six, and seven, of section twelve: *Provided*, Said company may fix its rate of tolls not exceeding those fixed in section three of said chapter.

Portions of
Revised Statutes adopted as
part of this act.

§ 10. This act shall be in force from and after its passage.

Approved January 23, 1867.

CHAPTER 1073.

AN ACT for the benefit of L. A. Smithwick, late Clerk of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be allowed L. A. Smithwick, late clerk of the Monroe county court, to collect his fee bills; and he may, for the time aforesaid, distrain therefor in the same manner, and be subject to the same penalties now provided by law for any illegal issual of fee bills and distraint therefor.

§ 2. This act to be in force from and after its passage.

Approved January 23, 1867.

CHAPTER 1074.

AN ACT to fix the time of holding the Hart County Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the regular terms of the Hart county quarterly courts shall commence on the fourth Mondays in March, June, September, and December in each year, and continue so long as the business of the court may require, instead of the times now fixed by law.

§ 2. That this act shall take effect from and after its passage.

Approved January 23, 1867.

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CHAPTER 1076.

AN ACT to amend an act for the benefit of Garrard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved 16th February, 1866, for the benefit of Garrard county, be so amended as to allow the Garrard county court, a majority of the justices of the peace of said county being present, at their option, to issue the bonds of said county for any amount they may deem necessary to complete the court-house and other necessary buildings for Garrard county, not to exceed twenty thousand dollars, in addition to the fifteen thousand already authorized to be issued by the act to which this is an amendment; and that said bonds bear interest not to exceed ten per cent. per annum, instead of eight, as named in said act; and that said interest shall be paid by said county court annually, commencing on the first day of February, 1868. It is further enacted that said court shall have power to levy not exceeding thirty cents on the one hundred dollars of taxable property in said county, instead of twenty cents, as heretofore authorized by an act of the Legislature of Kentucky.

§ 2. That the county judge shall be authorized to appoint four commissioners instead of three, as already authorized by law, to superintend the construction of said court-house and other public building.

§ 3. This act to take effect from its passage.

Approved January 23, 1867.

CHAPTER 1077.

AN ACT for the benefit of G. S. Jones, Sheriff of Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. S. Jones, sheriff of Marshall county, be, and he is hereby, allowed the further time until the 15th day of June, 1867, to collect and pay into the Treasury the revenue of said county: *Provided*, That this act shall take effect when, and not until, the sureties of said Jones, or the personal representatives of such as may be dead, shall, in writing, before the county judge of said county, to be filed with the clerk and entered of record in the order book of the county court, consent to the extension allowed by this act.

§ 2. It shall be, and is hereby, made the duty of the county court clerk to certify and send to the Auditor of Public Accounts a full and true copy of said written consent and order.

Approved January 23, 1867.

CHAPTER 1078.

1867.

AN ACT annexing the Town of East Maysville to the City of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of East Maysville, in the county of Mason, by its present corporate boundaries and limits, be, and the same is hereby, annexed to the city of Maysville; and the said town of East Maysville shall hereafter, to all intents and purposes, form a part of said city; and the municipal authority, jurisdiction, and laws of the said city are hereby extended over the inhabitants and territory hereby annexed, as fully and completely as if the same had at all times been a part of said city: *Provided, however,* That the local debts of the said town and city, contracted for railroad purposes, and known as the "railroad debt" of each, shall respectively remain separate and distinct as they now are; and neither shall be held or made liable, either directly or indirectly, for the railroad debt of the other.

§ 2. That, for the present, the addition made to the said city by this act shall constitute the fifth ward thereof, and shall be represented in the board of councilmen of said city by three councilmen, to be elected therein at such time as the board of councilmen of said city may appoint: *Provided, however,* That, at any time after the year 1867, the board of councilmen of said city may divide it into five wards, giving to each, as near as may be, an equal number of inhabitants; and each ward shall be entitled to three councilmen, to be elected annually as now provided by law.

§ 3. That whenever the marshal-elect of said city shall be a resident of that part of the city as organized before the passage of this act, it shall be the duty of the city council to appoint at least two deputy marshals, one of whom shall be a resident of that part of the city annexed by this act.

§ 4. This act shall take effect twenty days from and after its passage.

Approved January 23, 1867.

CHAPTER 1079.

AN ACT to change the line between Jeffersonville and Levee Precincts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line dividing Jeffersonville precinct and the Levee precinct, in Montgomery county, be so changed as to include the residences of Wm. N. Ramsey, Robert Willoughby, John C. Ringo, Wm. H. Ringo, Philip Ringo,

1867.

James Westbrooks, Ezekiel Fletcher, Garrett Phillips, and George P. Douglass in the Levee district.

§ 2. This act to be in force from its passage.

Approved January 23, 1867.

CHAPTER 1080.

AN ACT for the benefit of G. W. Goodrum, late Sheriff of Marion County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George W. Goodrum, late sheriff of Marion county, be, and he is hereby, allowed the period of two years, from the passage of this act, in which to collect his fee bills, and also all uncollected State, county, and railroad taxes for the years 1857, 1858, 1859, and 1860; and shall have the right to distrain for the same on first tendering to the party to be distrained his official tax receipt for the amount of tax due, specifying for what year the same is due.

§ 2. This act shall take effect from its passage.

Approved January 23, 1867.

CHAPTER 1081.

AN ACT to charter the Louisville and Black Hawk Colorado Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names, and corporate powers.

§ 1. That E. N. Gibbs, H. H. Sale, T. W. Riley, J. T. Wood, and W. R. Gray, and their associates, successors, and assigns, be, and they are hereby, created a body corporate, by the name and style of "The Louisville and Black Hawk Colorado Mining Company;" and by that name are hereby made capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in the State of Kentucky or elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution, for the conduct of their affairs, all such by-laws and ordinances, not inconsistent with the laws of the land where they may be, as to said corporation may seem necessary and proper.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and said company may go into operation when the sum of twenty thousand dollars of capital stock in said company shall be subscribed, and ten thousand dollars thereof paid in; and the remainder of the stock may be subscribed for on the books of said company,

or issued and sold by the board of directors of said company, at such times, and on such terms, as they may deem proper.

1867.

§ 3. The corporators first named herein may, so soon as this act is in force, open books in the city of Louisville or elsewhere for the subscription of stock in said company, and close the same at pleasure; and may receive subscriptions of shares of stock therein in money, and also of mineral lands in or out of the State of Kentucky, at specified prices; and also of engines, implements, tools, and live stock necessary to carry on the business of said company, not exceeding [in] value the capital stock in said company; and the capital stock in said company shall be held and deemed to be personal property, and may be transferable in such manner as the board of directors may, by the by-laws of said company, prescribe.

May open books for subscription of stock.

§ 4. The officers of said company shall be a president and directors, secretary and treasurer, to be chosen in the following manner: The corporators first named herein shall, after twenty thousand dollars of the capital stock of said company shall have been subscribed, notify the subscribers of the time and place appointed by them to hold the election of officers; and at the time and place so appointed, shall proceed to elect five directors for said company. The election shall be by ballot. Each subscriber of stock shall vote in person or by proxy, one vote for each share of capital stock by him and her subscribed, and then owned in said company. The directors thus elected shall hold their offices for one year from the day they are chosen, and until their successors shall be in like manner elected; they shall appoint one of their own body president of said company, who shall hold his office for the same term for which the directors were elected. They shall also appoint a secretary and treasurer for the same term: *Provided*, That the offices of president and secretary of said company may be held by the same person; but no person shall be competent to any of the above offices, or to cast the vote as proxy, who is not a bona fide stockholder in said company.

Officers of corporation — & when to be elected.

Term of office.

§ 5. The said company shall have power to lease, purchase, or receive, as capital stock subscribed in said company, as much real estate and water power and personal property, not exceeding the capital stock aforesaid, as they deem necessary for the successful prosecution of their business of mining, milling, excavating, and exploring for precious metals, or other minerals; they may appoint all necessary agents, and employ all such laborers, workmen, and artisans, and hold and assert all such rights of way, as may be of use to them in carrying out the objects of the corporation.

May receive real estate, &c., in payment of stock.

1867.

Meetings, calls
on stock, &c.

§ 6. The president and directors shall hold monthly meetings at their office in the city of Louisville on the first Tuesday in each month. They may make monthly calls on the stockholders of said company for such per centum on the unpaid capital stock subscribed as may be necessary to carry on the mining operations of said company, which calls shall be a uniform per cent. on the unpaid subscriptions of capital stock; and if any stockholder shall fail, for the space of ten days to pay, in the call on his or her stock, being notified of the call, the board of directors may proceed, by entry in the books of the company to that effect, to forfeit the stock of such delinquent stockholder, or to collect the same by process of law, as to them may seem best for the interests of said company.

Called meet-
ings.

§ 7. The board of directors may at any time call a meeting of all the stockholders of said company for consultation and advice about the interests of the corporation; and they may remove the treasurer from office, and dismiss any agent or employee of said company, whenever the interests of the corporation may, in their opinion, require them so to do.

§ 8. This charter shall be for thirty years from its passage; and the company shall have their principal office in the city of Louisville.

§ 9. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

§ 10. This act shall take effect from and after its passage.

Approved January 23, 1867.

CHAPTER 1062.

AN ACT to incorporate the People's Fire and Marine Insurance Company, of Paducah, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Q. A. King, Alfred Johnston, Henry H. Houston, J. A. Mackey, and T. J. Pickett, together with their associates, successors, and assigns, be, and they are hereby, created a corporation and body-politic, under the name and style of the "People's Fire and Marine Insurance Company;" and by that name shall have succession for thirty years; and be capable in law to have, purchase or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, rents, goods, chattels, public or private securities of any kind, quality, or nature whatsoever, and to sell and dispose of the same at any time or in any manner; and sue and be sued, plead and be impleaded, answer and be answered, defend and be defended,

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in any court of record in any place whatsoever; also to make and use a common seal, and the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be necessary for the government of said corporation, not contrary to law.

§ 2. The capital stock of said corporation shall be two hundred and fifty thousand dollars, and be divided into shares of one hundred dollars each; but it is provided, that said capital stock may be increased to the sum of one million dollars, at the will of the stockholders.

§ 3. The corporators named in this act, or any two of them, shall, within one hundred and twenty days after the passage of the same, or as soon thereafter as they may deem proper, give notice, in one or more papers printed in the city of Paducah, of the time and place of opening the books for the subscription of stock; and when the whole of said stock has been subscribed, the persons who gave the first notice shall call a meeting of the subscribers, when twenty dollars shall be paid in hand on each share subscribed for, and the remaining eighty dollars on each share shall be secured by note of hand with one or more sufficient security or securities, payable to said company; and the notes so given shall be paid at such time or times, and in such installments, as the president and directors of said company may direct. But it is provided, that said notes shall be fully paid up within four years from the date of the original subscription; and all such subscribers as fail to pay twenty dollars on each share subscribed for, and execute a note for the remaining eighty dollars, with good security or securities, as aforesaid, for the balance, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others under the direction of the persons who received the original subscription; and as soon as twenty dollars on each share is paid, and the remaining eighty dollars secured as aforesaid, the said corporators, or some one of them, shall give public notice for a meeting of the stockholders to choose a president and directors; and said corporators shall be inspectors of the first election of president and directors, and shall certify under their hands the names of those duly elected, and deliver over the subscription books, money and notes, to the president and directors; and in case of death or resignation of the president or any director, such vacancy or vacancies shall be filled for the remainder of the year by the board of directors; and in case of absence of the president, the board of directors shall have power to appoint a president *pro tem.*, who shall, for the time being, have the powers and functions of the president.

§ 4. After the first election, the annual election for president and directors shall be held on the first Monday in

1867. January in each year, or within one hundred days thereafter.

§ 5. The stock of said corporation shall be assignable and transferable on the books of the company only, either in person or by attorney; but no stockholder indebted to the company shall be permitted to make a transfer until such debt is paid or secured to the satisfaction of the president and directors; and if any stockholder, his or her assignee or transferee, shall refuse or neglect to pay any installment called for and demanded by the president and directors, within sixty days after the time designated for the payment of such installment, each stockholder, his or her assignee or transferee, shall forfeit each and every share on which payment shall not be duly made, and new subscriptions may be opened for the shares so forfeited; and when the stock is taken, after paying the installment for which forfeited, the residue of the share or shares shall be secured by securities as aforesaid.

§ 6 In the election of president and directors, and for deciding all questions in general meetings of stockholders, each and every stockholder shall be entitled to as many votes as he or she has shares. No stockholder shall vote at any election for president and directors after the first election, unless the share or shares which he or she may represent shall have been standing in his or her name in the books of the corporation, for at least ninety days previous to such election.

§ 7. The corporation hereby created shall have power to make all kinds of fire and lightning insurance, upon any or all of such plan or plans as may be adopted by the president and directors; and also to make all kinds of insurance on vessels, boats, and crafts of any description on the rivers, lakes, bay, bayous, or canals in the United States of America, as well as on goods, wares, merchandise, produce, specie, freights, and every description of property transported by land or water within the United States, or by sea or land from any port in the United States to any other port in the United States, and from ports in the United States to any foreign port, and from any foreign port to any port in the United States; and every such contract, bargain, agreement, and policy to be made by the said corporation shall be in writing or in print, and shall be signed by the president and attested and signed by the Secretary, who may be appointed for that purpose by the president and directors.

§ 8. It shall be lawful for said corporation to invest any part of its capital stock, money, funds, or other property, in any public stock or funded debt, created or to be created by or under any law or laws of the United States, or of this or any other State or States, or in the stock of any

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chartered bank or corporation in this State or the United States; and the same to sell and transfer at pleasure, and again invest the same or any part thereof, whenever deemed expedient by the president and directors; and to employ any portion of the capital stock paid in good faith by the stockholders, or premiums on hand, in the purchase, discount, or sale of foreign or domestic bills of exchange and promissory notes, made negotiable and payable at the office of said company, or at any of the banks in the United States; and any of the promissory notes purchased or discounted by said company shall be, and they are hereby, placed on an equal footing with foreign bills of exchange, and remedy may be had thereon, jointly and severally, against the drawers and indorsers, and with the same effect except as to damages.

§ 9. This corporation shall have power to purchase and hold such sufficient real estate as may be necessary for an office for the transaction of its business, not exceeding the sum of thirty thousand dollars, and to take and sell all such goods as they have insured and which may be abandoned to the company, and such other goods and chattels as may be useful and convenient for its business; and shall have power to locate the parent or chief office at such place in this State, or to remove the same, in the discretion of the president and directors.

§ 10. It shall be the duty of the president and directors, on the first Monday in January and July in each and every year, to make a dividend of so much of the profits of said corporation as to them shall appear advisable; and in case of any loss or losses, whereby the capital stock shall be impaired or lessened, no subsequent division shall be made until a sum sufficient to meet such diminution, and arising from the profits of said corporation, shall have been added to the capital.

§ 11. The president and three directors of said corporation shall form a board and be competent to transact all business of the corporation; and they shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects; and shall also have power to appoint a secretary, and such other officers, for carrying on said business, as to them shall seem meet; and to establish and fix such salaries and allowances to them, and also to the president, as to the said board shall appear proper; and the said board, by its order, may vest in the president and secretary the power to make insurance agreeable to this act; and for this purpose may appoint agents; and the acts of such president, secretary, and agent, when done, shall be binding and obligatory on it to all intents and purposes.

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§ 12. Whenever the stockholders shall determine to increase the capital stock to any amount within the limit named in the second section of this act, books for the subscription of such additional stock shall be opened, under the direction of the president and directors of the company; and they shall determine and fix the installments required to be paid by the new subscribers so as to place them on equal footing with the original subscribers.

§ 13. This act shall take effect from its passage.

Approved January 23, 1867.

CHAPTER 1083.

AN ACT for the benefit of D. B. Moore, Sheriff of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. B. Moore, sheriff of Taylor county, shall have until the first Monday in June, 1867, to collect and pay in the uncollected revenue and county levy for said county for the year 1866; and until the same time to return his delinquent lists for the same year: *Provided*, That said D. B. Moore, sheriff aforesaid, procure the assent of his sureties to said extension, which assent may be given by the sureties in open court at the February term of the Taylor county court.

§ 2. That this act shall take effect from its passage.

Approved January 23, 1867.

CHAPTER 1084.

AN ACT for the benefit of the Green and Taylor County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Green and Taylor county turnpike road company be so amended, that it may be lawful for the president and directors of said company to erect a toll-gate, and collect tolls on their road, although the grade of said road may be steeper, or a greater degree of elevation, than provided for in said charter.

§ 2. That the president and directors may fix the rates of toll to be collected on said road: *Provided*, That the rates so fixed shall in no case be greater than are sufficient to yield an annual profit of six per cent. net, after repairs, on the capital stock of said company.

§ 2. This act to take effect on and after its passage.

Approved January 23, 1867.

CHAPTER 1086.

1867.

AN ACT to incorporate the Benedictine Society of St. Joseph's Church, at Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexia Leckner, Walburg Selinger, Benedicta Behrens, Theresa Timmers, Jertrud Baur, being a religious society of ladies living in community, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the Benedictine Society of St. Joseph's Church, Covington; and as such corporation, shall have the right to sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and to use a common seal, and break or alter the same at pleasure; to take, hold, and enjoy lands, tenements, and hereditaments; and to make such rules, regulations, and by-laws for their government, and for the admission of members into said corporation, as they may deem necessary and proper: *Provided*, That such rules, regulations, and by-laws shall not be inconsistent with the constitution and laws of this State or of the United States.

Corporators' names, and corporate powers.

§ 2. That the essential objects of said corporation shall be the care, nurture, and education of the young in schools and academies, and the promotion of religion and morality; and no person shall be admitted as a member who is not a member of the Benedictine Society, living in community, and governed by the by-laws thereof.

Objects of corporation.

§ 3. That no misnomer of the said corporation shall defeat or annul any gifts, grants, devises, or bequests to or for the said corporation: *Provided*, That the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to or for the said corporation.

Misnomer of corporation not to defeat gifts, &c.

§ 4. That any person or persons now holding, or who may hereafter hold, any goods, chattels, or property, real or personal, or interest or estate therein, whether in trust for the use of said Benedictine sisters, or any one of them, are hereby authorized to convey and transfer the same to the corporation hereby created, released and discharged from all such trusts. But all such property so conveyed shall be appropriated by the said corporation to the uses and purposes intended by the original donors or grantors; and no private rights or vested interests shall be in anywise impaired or prejudiced by such conveyance to the corporation.

Goods, &c., may be transferred to said company.

§ 5. That the clear yearly income upon the real estate owned, or to be owned by the said corporation, exclusive of the houses occupied by the society, and the grounds

Yearly income.

1867. - thereto attached, shall not exceed the sum of ten thousand dollars.

§ 6. That this act shall take effect from and after its passage.

Approved January 23, 1867.

CHAPTER 1088.

AN ACT to amend an act, entitled "An act to amend the Road Law in Bracken county," approved February 8, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend the road law in Bracken county," approved February 8, 1864, and acts amending said act, as requires persons over the age of fifty years to work upon the roads in Bracken county, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 23, 1867.

CHAPTER 1090.

AN ACT to repeal the Nashville and Rowena Coal and Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Nashville and Rowena Coal and Lumber Company be, and the same is hereby, repealed.

§ 2. This act to be in force from its passage.

Approved January 23, 1867.

CHAPTER 1092.

AN ACT for the benefit of Turnpike Roads leading from Lebanon and Burksville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several turnpike road companies leading from Lebanon to Burksville, including so much of said roads as belong to the State of Kentucky, shall be entitled to and have the use of rock, gravel, timber, or other material for building or repairing their respective roads on any lands convenient to said roads; and the superintendent, surveyor, or president of said roads, are hereby authorized and empowered to enter upon the lands and inclosures by or through which said roads may pass, to examine such rock, gravel, timber, or other material.

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§ 2. That it shall be the duty, upon the application of either the president or superintendent of any one of said roads, for the presiding judge of the county court in either of the counties into or through which either of said roads may run, to issue a writ of *ad quod damnum*, directed to the sheriff of the county, who shall give to the owner or his or her guardian or committee, or leave at the house of such owner, guardian, or committee, three days' notice of the time and place of holding the inquest; and it shall be the duty of the sheriff to summon a jury of twelve disinterested housekeepers of the county, to value and assess the damages resulting to the owner for such rock, gravel, timber or other material so proposed to be taken, and to make report of the assessment to the court from which the writ was issued. If either party is dissatisfied with the assessment of the jury, they may appeal to the next county court of the county, upon giving bond to the opposite party, conditioned to pay all costs and damages if the assessment is reversed in the county court; upon said appeal, the county judge shall cause another jury to be empaneled, and such proceedings had as in other cases of appeal. The sheriff or other officer shall be entitled to same fees as in similar cases under existing laws.

§ 3. The jury shall allow the fair cash value of the rock, gravel, timber, or other material proposed to be taken, deducting therefrom any incidental or collateral advantage which may accrue to the owner from the making or repairing said road.

§ 4. It shall be incumbent upon the company to pay the amount assessed by the jury aforesaid, before appropriating such rock, gravel, timber, or other material proposed to be appropriated.

§ 5. The provisions of this bill shall apply to the Green and Taylor County turnpike road company.

§ 6. This act to take effect from its passage.

Approved January 23, 1867.

CHAPTER 1093.

AN ACT to reduce into one the several acts regarding the Butler Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Butler Seminary shall consist of three persons, to be appointed by the Butler county court, who shall hold their office for four years, unless removed by the court.

§ 2. That one of the trustees shall be by said court designated as treasurer, and shall have the custody and control of the money belonging to the said Seminary trus-

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tees, and shall be responsible for the money, and be chargeable with interest thereon as guardians are by law chargeable; he shall execute bond with approved security in the county court, for the faithful performance of his duties; he shall pay out money upon the order of a majority of the board, taking receipts therefor: *Provided*, That no part of the principal of said Seminary fund shall be expended for any purpose except to repair the Seminary and to improve the grounds thereto belonging.

§ 3. That said trustees shall keep a complete record of all their proceedings, a certified copy of which shall be evidence; and they shall settle their accounts with the judge of the county court once in two years, and may be allowed a reasonable compensation for their trouble.

§ 4. Any person committing any trespass upon the Seminary property, by opening or tearing down the fencing around the property, defacing trees, or turning stock in upon the grounds, or trespassing any other way, shall be guilty of a misdemeanor, and subject to a fine in the discretion of a jury; and it shall be the duty of the trustees to have all such offenders prosecuted in the name of the Commonwealth, one half of the fine recovered under this act to enure to the benefit of the Seminary fund, and the remainder to go to the Commonwealth.

§ 5. That the present trustees shall, within sixty days after this act takes effect, settle their accounts with the county court judge of said county, and pay over to their successors all money belonging to said Seminary fund, and also deliver up all records of their official acts; and, upon their failure to pay over such as may be found due from them, their successors may sue them in any court of competent jurisdiction, and recover the amount with interest and cost.

§ 6. In making the settlements provided for in this act, the county judge may examine the trustees, or either of them, on oath, touching any matters involved in this settlement, and may hear other evidence; and he shall allow no credit except a proper voucher is filed to sustain it.

§ 7. This act shall take effect from and after its passage.

Approved January 23, 1867.

CHAPTER 1094.

AN ACT to amend an act to incorporate the Louisville Conference High School, in the Town of Hardinsburg.

WHEREAS, Said Louisville Conference High School property has not, for many years, been used for school purposes, and said school is without any organization, the officers, curators, and trustees having died or moved away, leaving

the subscription money uncollected and the debts unpaid ; 1867.
therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act of incorporation be so amended as to authorize Vivian Daniel, John De Haven, and Green W. Beard, and they are hereby appointed a board of trustees, in the room and stead of all the former officers, curators, and trustees; and authorized and empowered to sue and be sued, plead and be impleaded, and transact any and all business of said association, keeping a faithful record of their proceedings.

§ 2. The said board shall have power to collect, by suit or otherwise, all rents, debts, and unpaid subscription money, and to pay all unpaid debts against said association, and to receive and complete the title to said property.

§ 3. The said board shall have power to forfeit any and all stock, any part of whose subscription may not have been paid, upon such terms and conditions as they may think best for the interest of said school; to make all settlements with former officers, and to receive from them all papers, books, and moneys remaining in their hands.

§ 4. The said board shall have the power, whenever they shall think it to the interest of said school, to divide and sell said property: *Provided, however,* That said board, before making said division and sale, shall file their petition in the Breckinridge circuit court, to which all the stockholders shall be parties, either as plaintiffs or defendants; and the said division and sale, or either of them, shall not be made except under the decree of said court authorizing the same.

§ 5. This act to be in force from and after its passage.

Approved January 23, 1867.

CHAPTER 1095.

AN ACT to charter the Citizens' Market-house, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George L. Abram, George H. Kice, Geo. Lee, Frederick Barringer, Jeremiah Bush, Henry Kress, and their associates, successors, and assigns, shall be, and they are hereby, created a body corporate and politic for thirty years, by the name and style of the Citizens' Market, of Louisville, to be located in the city of Louisville, Kentucky; with power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded,

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as natural persons, in all the courts and places whatever; and have and use a common seal or not, as the board of directors may determine; also to purchase and hold, in fee or by lease, the necessary lot or lots of ground in the said city of Louisville, in the State of Kentucky, for a market-house and other necessary appendages and buildings in connection therewith, and goods and chattels necessary in the construction, carrying on, and furnishing said market-house.

§ 2. The capital of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one thousand dollars each; the shares shall be personal estate, and be transferable upon the books of the company; and each share shall entitle the holder to one vote at all elections for officers, and at all meetings of the stockholders in connection with the business of the corporation.

§ 3. That on or before the first day of March, 1867, the stockholders shall meet and elect six directors of the company or corporation, who shall choose one of their body president, and shall, by their by-laws, provide for annual elections of directors. The directors shall hold their office until their successors are elected and qualify, and none but stockholders shall be either president or directors of the company.

§ 4. The persons named in section one, or any two of them, may act as commissioners to receive subscriptions to the stock of the company; and the subscription list or book shall fix the time and manner of paying for the stock, and what failure shall authorize a forfeiture of the stock for not complying with the terms of subscription.

§ 5. The stockholders, or a majority of them, may, at any time, change the name of said corporation to any other name; and by whatever name they may assume, by that name they may sue and be sued, and hold and exercise all corporate privileges, according to the terms of this charter.

§ 6. The corporation shall have the right to borrow money on its credit [to] an amount not exceeding the capital stock, and secure [the] same by mortgage on their said market-house and property, at such rates of interest and at such times as the president and directors think proper.

§ 7. The president and directors of said company shall have the power to divide said market-house into as many stalls as they may think proper; may sell any number of said stalls, not exceeding one hundred and fifty, by deed or lease, and may let all of said stalls, or any portion of them, for any term of years; and adopt such rules as the president and directors may think proper, which shall authorize a forfeiture of a lease for the non-payment of rent, or other cause named in the lease or deed.

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§ 8. The president and directors shall have power to make by-laws for the government of the corporation and said market-house and use thereof, and amend and change the same at pleasure: *Provided*, Such by-laws shall not be in contravention of the laws of this State or of the United States, or in violation of prior rights acquired from said company by lease, deed, or otherwise.

§ 9. The city of Louisville shall have no further power, directly or indirectly, to tax said market-house or other property, belonging to said corporation, than that of the property of any private person or individual in said city.

§ 10. This act to be in force and effect from the day of its passage.

Approved January 23, 1867.

CHAPTER 1096.

AN ACT to incorporate the Merchants and Traders' Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Hamilton, V. P. Armstrong, Thomas P. White, E. L. Huffman, Richard Wolfolk, Geo. Buchanan, Samuel P. Weisiger, W. A. Duckwall, and Warren Mitchell, of the city of Louisville, commissioners, and the subscribers of stock in this company, and their successors, shall be, and are hereby declared to be, a body politic and corporate, by the name and style of the Merchants and Traders' Insurance Company; and by that name shall have succession for thirty years, and shall be capable in law to hold, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, and hereditaments, goods, chattels, choses in action, public or private securities of any kind, quality, or nature whatever; and to sell and dispose of the same at any time or in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; to make and use a common seal, and the same to break, alter, or renew at pleasure: *Provided*, That said company shall not engage in trading in goods, wares, and merchandise as merchants.

Corporators' names, and corporate powers.

§ 2. That the capital stock of said company shall be five hundred thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding one million dollars, divided into shares of fifty dollars each. At the time of subscribing there shall be paid on each share five dollars. Immediately after the election of directors, and before the company goes into operation, there shall be paid the further sum of five dollars per-

Capital stock.

How paid and secured.

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share, and the balance on each share shall be subject to the call of the directors, and shall be secured by personal security by the hypothecation of stocks other than that of the company, or by the hypothecation or mortgage of any other property, or in any other way which shall be satisfactory to, and approved by, the president and directors for the time being. The said securities shall be renewed whenever the president and directors may consider it proper; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an installment when required by the directory, shall forfeit all his interest in the company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

When company
may organize.

§ 3. That as soon as five thousand shares are subscribed for and paid or secured to be paid, the company shall organize and be competent to transact all kind of business for which it was established.

When to open
books for sub-
scription of
stock.

§ 4. That the said commissioners, or any one or more of them, shall, within twelve months from the passage of this act, open books for the subscription of stock. Five days' notice of the time and place of opening the books shall be given in one or more of the daily newspapers of the city of Louisville. If the five thousand shares shall not be subscribed for at the first opening of the books, the commissioners shall have power to reopen them whenever they think fit or equitable, and as often as may be necessary, until the five thousand shares be subscribed. When five thousand shares shall have been subscribed, the commissioners shall give the like notice of the time and place of the meeting to be held by the stockholders for the election of the directors, and the time fixed in said notice for the meeting shall be within sixty days after said number of shares shall have been subscribed.

Who to man-
age affairs of
corporation.

§ 5. That the affairs of this company shall be managed by a president and board of nine directors, to be elected by ballot, all of whom shall be stockholders. Any stockholder owning fifty shares or more of stock, shall be eligible as a president or director.

When meeting
for election of
directors to be
held.

§ 6. That the stockholders of this company shall hold a meeting in pursuance of the notice given by the commissioners for the first election of directors, within sixty days after the five thousand shares of stock shall have been subscribed, and on the first Monday in January in each and every year thereafter, and choose by ballot from among their number the nine directors; each stockholder shall have one vote for each share of stock. The directors first-chosen shall serve until the first Monday of the succeeding January, and until others shall be chosen, and no longer.

At their first meeting after every election, they shall choose by ballot a president either from among their own body or from among the other stockholders. The president first chosen shall serve until the first Monday in the succeeding January, and until another shall be chosen, and no longer; and the subsequent terms of the office of president shall be the same with those of the directors. In case of a director being chosen president, the place of such director shall be filled by the directors from among the other stockholders. In case of the death, resignation, or disqualification of the president or of any director, the directors shall fill the vacancy by ballot.

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President, and
term of office.

§ 7. That the corporation herein and hereby created shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, and to make all kinds of insurance on vessels, all kinds of crafts and boats of every description, which navigate fresh or salt water, as well as on goods, wares, and merchandise, produce, and every description of property transported by land or water from any port or place in the United States to any port or place within the same, and from any port or place in the United States to any foreign port or place, or from any foreign port or place to any port or place in the United States, and from any one foreign port to any other foreign port, or to effect reinsurance, and generally to do and to perform all things relative to the objects of this institution which now is or shall be lawful for any individual or body-politic or corporate to do, and all other things necessary and proper to promote these objects; and it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property, in any public stock or funded debt created or to be created by or under any law or laws of the United States, or of this or any other State, or in the stock of any chartered bank in this or any other State, or of the United States, and the same to sell or transfer at pleasure, and again to invest the same or any part thereof in such stock or funds, whenever and so often as the exigences of said corporation or a due regard to the safety of its funds shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, as the directors for the time being shall deem prudent and best for the interest of said company.

May insure all
kinds of prop-
erty.

May invest
funds of corpo-
ration.

§ 8. That the president and directors shall have power; and it is hereby made their duty, to make and declare such dividends of the profits resulting from the business of said company as shall not impair, or in anywise lessen the capital stock of the same, and cause the same to be paid to the several stockholders thereof: *Provided*, That no such

May declare
dividends.

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How to be
paid.

dividend shall be paid, but shall be passed to the credit of such stock, as part payment thereof, until one half of the capital stock shall be paid in, after which the profits arising from the business may, at the option of the directors, be divided among the stockholders in proportion to the amount of stock held by them.

Officers to be
appointed.May make
by-laws.

To keep record.

§ 9. That the president and directors shall have power and authority to appoint a secretary, and such other clerks and officers under them, as shall be necessary for transacting the business of said institution, and may allow them such salary as they shall judge reasonable; and to ordain and establish such by-laws as shall appear to them necessary for regulating and conducting the business of the company, not contrary to this act, the constitution and laws of this State, or of the United States. They shall keep full, fair, and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

Liability of
stockholders.

§ 10. That no stockholder or member of the said company shall be answerable, in his personal or individual property, for any contract or agreement of said company, or for any losses, deficiencies, or failure of the capital stock of this company; but the whole of the said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against the said company.

Stock trans-
ferrable—and
how.

§ 11. That transfers of stock may be made by any stockholder, or the legal representative of any stockholder. The transfers of stock shall be made on a book kept for that purpose, and can only be done by a stockholder in person or by power of attorney; but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the president and board of directors.

General meet-
ings of stock-
holders may be
called.

§ 12. That the president and directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving them notice thereof. Any number of stockholders representing a majority of the stock may at any time apply to the president and directors to call a general meeting of the stockholders for any purpose relative to the affairs of the company; and if the president and directors refuse to call such meeting, the said stockholders, owning a majority of the stock, shall have power to call a general meeting of the stockholders, giving at least two weeks' notice in two of the daily newspapers of the city of Louisville, specifying in such notice the object of the meeting.

Corporation
not to be dis-
solved if an-
nual election
not held at time
fixed.

§ 13. That should it so happen, from any cause whatever, that the annual election of directors shall not take place in any year hereinbefore mentioned, this corporation

shall not, for that reason, be dissolved, but such election may be lawfully held on such convenient day thereafter as may be fixed on by the president and directors for that purpose, they giving ten days' notice thereof in two of the daily newspapers of the city of Louisville.

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§ 14. That all policies or contracts of insurance which may be made or entered into by the said corporation shall be signed by the president, or president *pro tem.*, and signed and attested by the secretary, and being so signed and attested, shall be binding and obligatory upon the said corporation, without the usual seal thereof, according to the tenor, intent, and meaning of such policies or contracts.

§ 15. Nothing contained in this act shall be construed as giving banking powers to the company, or authorizing the company to deal in bills of exchange.

Approved January 23, 1867.

CHAPTER 1097.

AN ACT for the benefit of E. M. Grider, Assessor of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. M. Grider, assessor of Clinton county, be, and he is, allowed the further time to the 10th day of February, 1867, to execute bond for the performance of his official duty as the law now requires.

§ 2. This act to take effect from its passage.

Approved January 24, 1867.

CHAPTER 1098.

AN ACT authorizing the Police Judge of the Town of Litchfield to appoint a Town Marshal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at any time when the office of town marshal, for the town of Litchfield, shall be vacant, by the death, resignation, or removal of the marshal, or otherwise, the police judge of said town shall have power and authority to appoint a town marshal, who shall hold his office until the next regular election for said office, and until his successor shall be duly elected and qualified.

§ 2. That this act shall take effect from its passage.

Approved January 24, 1867.

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CHAPTER 1099.

AN ACT for the benefit of Jno. H. Eastham, late Sheriff of Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Eastham, late sheriff of Boyd county, be allowed the further time of one year to collect all taxes and fee bills that are yet due him in the county of Boyd; and that said Eastham shall be subject to the same pains and penalties for collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved January 24, 1867.

CHAPTER 1100.

AN ACT for the benefit of G. J. Bosley, of Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixty-four dollars and eighty-one cents be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing G. J. Bosley, deputy sheriff of C. F. Bosley, sheriff of Washington county, for expenses and money paid by him in conveying one Sarah Short to the Western Lunatic Asylum.

§ 2. The Auditor is hereby directed to draw his warrant upon the Treasury in favor of said G. J. Bosley for said sum of sixty-four dollars and eighty-one cents.

§ 3. This act to take effect from its passage.

Approved January 24, 1867.

CHAPTER 1101.

AN ACT to amend the charter of the Bowling Green Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Bowling Green Manufacturing Company be so amended as to allow said corporation to purchase and hold or lease real estate to the value of not exceeding fifty thousand dollars.

§ 2. That the president and managers of said corporation be authorized to sell or dispose of the remainder or any portion of the unsubscribed stock among the stockholders to the highest bidder, first giving fifteen days' notice of the time and place of sale to each one of the stock-

holders, upon such terms as the president and managers may direct.

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§ 3. This act to take effect from and after its passage.

Approved January 24, 1867.

CHAPTER 1102.

AN ACT for the benefit of J. C. Burchett, late Sheriff of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Burchett, late sheriff of Clinton county, be, and he is hereby, allowed the further time to the first day of May, 1867, to make out and return the delinquent list of said county for revenue, county levy, militia, and negro tax for the year 1866.

§ 2. This act shall take effect from its passage.

Approved January 24, 1867.

CHAPTER 1103.

AN ACT to change the name of the "The Polish House of Israel."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the name of the "Polish House of Israel, in the city of Louisville," a Jewish congregation in that city, incorporated December 13th, 1851, be, in conformity to the request of its members, expressed in general meeting on the 15th of April, 1866, changed; and it is hereby changed into "Beth Israel, in the city of Louisville," from and after the passage of this act, which change of name is in no wise to impair the rights, duties, or obligations of said body.

Approved January 24, 1867.

CHAPTER 1104.

AN ACT to authorize the Clark County Court to take stock in Turnpike roads in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Clark county, a majority of the justices of the peace of said county being present and concurring therein, shall have power to make subscriptions to the capital stock of any turnpike road which has been or may hereafter be incorporated, and which shall be located wholly or in part within the limits of said county;

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and that said court, with the concurrence of a majority of the justices aforesaid, may levy a tax upon the real and personal estate in said county, subject to taxation for revenue purposes, sufficient to pay the same; and that all laws of the State applicable to the collection of the revenue, shall apply to the collection of the tax thus levied: *Provided, however,* That such subscription shall not exceed one thousand dollars for each mile of road located within the limits of said county: *And provided further,* That no such subscription shall be made until the court shall be satisfied that an amount of stock sufficient, with the aid of such county subscription, to complete each mile of road to which such county subscription shall apply, has been subscribed for by individuals or corporations.

§ 2. That where it may be deemed inexpedient to levy and collect the whole amount of any subscription in one year, that the court may levy and collect a portion thereof each year, until the whole has been paid.

§ 3. This act shall be in force from and after its passage.

Approved January 24, 1867.

CHAPTER 1105.

AN ACT to incorporate the Louisville Insurance and Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That William C. Hall, Robert Atwood, S. P. Weisiger, John S. Long, and Theodore Harris, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body politic, under the name and style of the Louisville Insurance and Banking Company, of Louisville; and shall continue until the first day of January, one thousand eight hundred and ninety-nine; and by that name are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private securities of any kind, not exceeding, at any one time, the sum of one million of dollars; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record or in any other place whatsoever. Also to make and use a common seal, and the same to break, alter, and renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be necessary and convenient for the government of said corporation, not contrary to law.

Capital stock.

§ 2. The stock of said company shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any two of them, shall, within twelve months from the passage of the same, open books for the subscription of stock, and when two thousand shares shall have been subscribed, said corporators shall give notice of a meeting of the subscribers, when twenty dollars shall be paid on each share subscribed for, and the company may be organized, when the remaining eighty dollars on each share shall be secured, to be paid at the time and in the manner that shall be designated by the shareholders who have paid in twenty dollars on each share subscribed for. Any of the corporators named who shall fail to subscribe for stock shall cease to be members of the company; and all such subscribers as shall fail to pay twenty dollars on each share subscribed for on the day designated in the above-named notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription. And in case any subscriber shall fail to pay any call made by the board of directors, who are hereby authorized to make such call, for the unpaid balance of his subscription, and remain in default for sixty days, the board may, in its discretion, forfeit his stock for the benefit of the company. And the board of directors may in their by-laws prescribe the manner in which the capital stock shall be increased; but in no event shall it exceed the sum of one million dollars.

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Books for subscription of stock may be opened.

Corporators not subscribing shall cease to be members.

Stock may be forfeited.

§ 4. The business of this company shall be managed by five directors, to be chosen by the subscribers, and no director shall hold less than twenty-five shares of stock. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in January next succeeding, or until their successors are chosen. And on the first Monday in January of each year thereafter an election for directors shall be held at the office of the company, under the direction of three stockholders, who shall have been appointed by the directors for that purpose. Such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The same rule of voting stock shall apply to all questions submitted to the decision of the stockholders. Should an election for directors, from any cause, fail to be made on the day herein designated, the corporation shall not, from that cause, be dissolved, but any and all elections made subsequent thereto, by competent authority, shall be deemed valid and so held.

Who to manage business of corporation.

Directors to be elected.

§ 5. The board of directors may choose one of their number as president in such manner, and for such a period, as they may ordain, and employ such other clerks, officers,

President and other officers to be appointed.

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agents, or servants as they may deem necessary to a proper conduct of the affairs of the company, fix their salaries, prescribe their duties, and, at their option, require and receive bonds with security for faithful performance of their duties, and may also require each officer to make oath before a justice of the peace that he will honestly and faithfully discharge all of his duties as an officer of this corporation.

Quorum.

§ 6. A majority of the board of directors shall form a quorum for the transaction of business.

When to commence business

§ 7. Whenever the sum of forty thousand dollars shall be paid in, and the further sum of one hundred and twenty thousand dollars shall be secured to be paid, to the satisfaction of the president and board of directors, they shall have full power and authority, in the name of said company, to make insurance and re-insurance against fire, on the general conditions and principles of fire insurance; to make all kinds of insurance on boats, vessels, and crafts of every description, and on goods, wares, merchandise, freights, money, &c., transported by land or water, within the United States or elsewhere, on interior waters or on the high seas, on the general principles and conditions of marine insurance.

Form of certificate of stock.

§ 8. The form of certificates of shares of stock, and manner of transfer of same, shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each shareholder for any claim that the company may have for the unpaid part of his shares, or for other debts due or arising to said company; and no transfer shall be made except by consent of the board of directors.

Return premiums.

§ 9. Return premiums to any or all policy-holders, may be declared at any regular meeting of the stockholders.

Statement of affairs to be made.

§ 10. A statement of the affairs of the company shall be made on the first Monday of January of each year, for the inspection of stockholders, and the president and directors may declare a dividend of such proportion of profits (if any have been made) as they may deem proper; but in no event shall the capital stock be diminished, or dividends be made, from unearned premiums.

May do business as savings bank.

§ 11. It shall be lawful for this corporation to do business as a savings bank, and as such, shall receive on deposit any sum during banking hours, if not less than one dollar. And minors and married women may, in their own names, deposit therein and check therefrom, unless restrained by some competent tribunal. Interest as agreed upon, not to exceed six per cent. per annum, may be allowed on such deposits.

Shall not issue notes to circulate as money.

§ 12. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money; but

they may make advances on, and receive in pledge for money loaned or debts due them, public and private securities, goods, wares, merchandise; and may sell the same on the non-payment of the debt or demand for which they became security, according to any agreement made between the parties at the time of the contract in writing, and pass a good title to purchaser; provided, that as much as ten days shall elapse between the maturity of such debt and the sale of such security; and that notice shall be given such debtors by mail or otherwise.

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§ 13. Said corporation may receive on deposit gold, silver, bank notes, or other currency, and shall be permitted to deal in same, also in bills of exchange, promissory notes, and other evidences of debt, take personal and other security therefor, and dispose of the latter as may be agreed upon, in all respects as natural persons may do; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against drawers and indorsers.

May receive deposits.

§ 14. If any officer shall unlawfully appropriate any of the funds of this corporation to his own use, or shall willfully fail to make correct entries, or shall knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation, or any person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and, upon conviction thereof, shall be sentenced to confinement in the jail and penitentiary for a period of not less than ten nor more than twenty years.

Penalty for unlawful appropriation of funds.

§ 15. It shall be the duty of the president, on the first day of January in each year, to pay into the treasury fifty cents on each one hundred dollars of stock held and paid for in such institution, which shall be in full of all tax or bonus, and be a part of the sinking fund of this Commonwealth.

To pay State tax.

§ 16. This act shall take effect from its passage.

Approved January 24, 1867.

CHAPTER 1106.

AN ACT to incorporate the Texas, Maxville, and Riley's Station Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Texas, Maysville, and Riley's Station

Company formed, and name and style.

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Turnpike Road Company, for the purpose of making an artificial road from Maxville, by the way of Texas, Washington county, to Riley's Station, Marion county.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and managers may enlarge it to such amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Commissioners to open books.

§ 3. Books for the subscription of stock in said company shall be opened on the second Monday in March next, or as soon thereafter as convenient, at the town of Maxville, in Washington county, under the direction of John Bosley, Robert Mitchell, John Wycoff, John M. Smith, Robert Isham; at Texas, in Washington county, Thos. C. Rineheat, James Brady, Capt. Perry Lanham, Christopher Cokenhour, Marion Cokenhour; at Riley's Station, in Marion county, John C. Riley, jr., William Brown, George Comer, James Hourigan, sr., J. P. Withrow, or some two or more of them at each place, who [are] appointed commissioners.

Obligation of subscribers.

The said commissioners for each place shall have power to procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation, viz: We, whose names are hereto subscribed, promise to pay to the president, directors, and company of the Texas, Maxville, and Riley's Station Turnpike Road Company, the sum of fifty dollars for every share of stock in said company; and agreeably to an act of the General Assembly of the Commonwealth of Kentucky, incorporating said company. Witness our hands this — day of —, 1867. The said commissioners, or a majority of them, shall give notice, in a manner to be determined by them, of the time and places of opening books for the subscription of stock in said company, and that they will continue open until the amount of capital stock shall be subscribed.

Notice of time and place of opening books to be given.

President and directors to be elected.

§ 4. So soon as seven thousand dollars shall be subscribed, the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for president and six directors, who shall hold their offices for one year, and until others shall be elected and duly qualified. The said president and directors shall, before they enter upon the duties of said office, take an oath before some justice of the peace, that they will faithfully perform the duties of president and directors, as the case may be, without favor or affection, according to the best of their judgment; upon the qualification of the president and directors, they shall appoint a treasurer, and such

Officers to be appointed.

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other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed; the treasurer, before he enters on the duties of his office, shall give bond, with two or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of the company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called upon, pay the amount of moneys in his hands to the order of the president and directors, and that he will perform the duties required of him by law of the company.

§ 5. Upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the Texas, Maxville, and Riley's Station Turnpike Road Company; and by said name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or in any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

Corporate powers.

§ 6. That the president and directors of said company fix and regulate the elevation and grade of said road, and shall not be bound to macadamize said road more than sixteen feet in width, and the metal to be placed on one side of said road, should they deem it proper.

Elevation and grade of road.

§ 7. That when said road shall be opened and graded for any distance thereof equal to five miles, and a proper and sufficient coating of macadamized stone or gravel placed thereon, it shall be lawful for said company to erect a gate on the same, and to collect for the travel on said road the same rates of toll which are charged and allowed to be collected by the provisions of an act to charter the Danville and Hustonville turnpike road company, approved March 1st, 1844.

When gate may be erected.

§ 8. That the general provisions of said charter of the Danville and Hustonville turnpike road company shall apply to the company hereby created, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

Provisions of Danville and Hustonville turnpike made applicable.

§ 9. That the company shall be allowed to use stone or gravel, as they may elect, in the construction of said road;

May use stone or gravel.

1867.

and shall have full power, through their president and directors, to permit any stockholder to work out the stock on said road that he may have subscribed, or any part thereof: *Provided*, He do it at as low a rate as any one else is willing to do it for; and any subscriber may pay his subscription in work, at the usual cash prices for labor on said road, provided he shall work at such time and place as the president may direct.

When to commence road.

§ 10. That if the construction of the road provided for by this act shall not be commenced within five years from the passage hereof, the rights, privileges, and immunities hereby granted, shall be void to all intents and purposes; that the number of gates to be erected on said road shall be limited to four.

§ 11. This act to take effect from its passage.

Approved January 26, 1867.

CHAPTER 1107.

AN ACT to charter the Crab Orchard and Paint Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Crab Orchard and Paint Lick turnpike road company, for the purpose of making a turnpike road from Crab Orchard to a point near the residence of Finley Denny, on the Paint Lick and Coper creek turnpike road, such point to be agreed upon by the president and directors of said road.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock be opened by T. A. Rothwell, J. H. Kenedy, J. C. McCormac, W. O. Hansford, William Stuart, and John Edmiston, who are hereby appointed commissioners for said purpose, at such times and places as they or a majority of them shall deem proper. When the sum of five thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this section to give notice, in such manner as they may think proper, for a meeting of the stockholders at such time and place as the notice may specify, for the electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and

directors; and a majority of the board shall be competent to transact business.

1867.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, in fact and in law, under the name and style of the "President and Directors of the Crab Orchard and Paint Lick Turnpike Road Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and of taking or holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation. They shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also to have and use a common seal; and generally to do all and any act, matter, or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width, and the part thereof to be covered with stone or gravel; and shall designate the beginning and terminus of said road, and places for the erection of toll-gates: *Provided*, Their first toll-gate shall not be within a less distance than one half mile from the center of the town of Crab Orchard; and that said road shall be entitled to two gates, to be erected at such places as the president and directors may deem best for the interest of said company; and may fix the rate of tolls, which shall not exceed those prescribed by the general law now in force. The president and directors shall have power, after three consecutive miles of said road shall have been completed, to erect a gate and collect toll; and shall apply the proceeds thereof to the completion of the road.

§ 6. The president and directors, with their surveyor, engineer, chain-carrier, &c., are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways in, through, and over which the intended road may pass; and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, or other material necessary for the construction of said road.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, carts, and wagons, and beasts of draught or burden, to enter upon the land in and over, contiguous and near to which said road shall pass, having first given notice

1867. to the owners of said land, or their agents: *Provided*, That if the president and directors shall not agree with the owners of the land, through which said road is to pass, as to the damages said owners may sustain by the road passing through their lands, the president and directors shall apply to the county courts of Garrard and Lincoln for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of said land; and the jury assessing the damages shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; but the advantages shall not be used as an offset to the value of the land so taken; and upon the payment or tender of the damages so assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road; and have condemned any quarry or gravel necessary for the construction or repairing of said road.

§ 8. The president shall give notice, in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call and the penalty aforesaid for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, together with the amount he may have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable as aforesaid on each share by him held, shall have been paid agreeable to the requisitions of the president.

• § 9. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, with such compensation for their services as the president and directors may deem just, who shall hold their respective offices for the term of one year, and until their successors shall have been appointed and qualified. The treasurer of said company, and the keepers of the different gates, before they enter on the duties of their offices, shall give bond and security in such penalty as the president and directors may require, payable to them, conditioned to pay over any amount in their hands to the order of the president and directors.

§ 10. If any person shall go round or turn-off from said road, with the fraudulent intent of avoiding the payment

of toll as fixed by the president and directors, he or they shall, on conviction thereof before a justice of the peace of Garrard or Lincoln county, be fined five dollars, to be collected as other sums within the jurisdiction of the Commonwealth.

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§ 11. The county court of Garrard and the county court of Lincoln shall have power, a majority of the justices concurring therein, to subscribe a sum, not exceeding five hundred dollars per mile, to the capital stock of said road, to be regarded as other stock.

Approved January 24, 1867.

CHAPTER 1108.

AN ACT amending and reducing into one the several acts in relation to the Jefferson and Brownsboro Turnpike Road Company.

WHEREAS, It is represented to this General Assembly that the franchises, privileges, lands, and tenements belonging to the Jefferson and Brownsboro turnpike road company, were sold under decree of a court of competent jurisdiction, and that the purchaser, after having complied with the terms of sale, has, for a valuable consideration, transferred the same to other persons, who, on the 4th day of April, 1866, reorganized the company by obtaining a subscription amounting to twelve hundred shares, of fifty dollars each, and by electing the following persons to manage the prudential affairs of the company, to-wit: Philip D. Barbour, president, W. C. Williams, Norbourn Arteburn, R. S. Veach, William W. Young, C. S. W. Dorsey, and Albert W. Harding, directors; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said several transfers are hereby legalized, and that the several persons elected to the offices of president and directors on the 4th day of April, 1866, and their associates, are hereby created a body-politic and corporate, for the purpose of constructing and completing a turnpike road on the McAdams plan, from the city of Louisville into Oldham county; said corporation to be styled the Jefferson and Brownsboro turnpike road company; by which title the corporation shall have perpetual succession, as also the privilege to sue and be sued, plead and be impleaded, answer and be answered, in any court in this Commonwealth or other place whatsoever.

Transfers
legalized, and
President and
directors made
a body politic.

Name and
style, and cor-
porate powers.

§ 2. Said company shall have power to increase their capital stock to any sum not exceeding \$120,000, which may be found necessary to complete their road; may also

Capital stock
may be increas-
ed.

1867.

May have a
common seal.

acquire, by purchase or donation, any real or personal property, necessary for the construction or management of the road; and may, in their discretion, hold or convey the same. The company may have a common seal, to be altered or amended at will; and may do any other act which bodies-politic of the same kind may lawfully do.

Annual elec-
tions.

§ 3. There shall be an annual election of the officers managing the prudential and financial affairs of this company; the first annual election to come off on the first day of March, 1867, twenty days' notice of the time and place to be given by some acting officer of the company, in one or more newspapers published in Louisville. In all subsequent annual elections, the board of directors may regulate the details thereof: *Provided however*, That persons invested with authority at any one election, shall exercise the same until their successors are qualified, unless sooner disqualified by resignation or removal.

When certifi-
cates of stock
to be delivered.

§ 4. Whenever the persons who, on the 4th of April, 1866, subscribed the twelve hundred shares, which constitute the capital stock of this company, or when any subsequent stockholder shall have complied with the terms of subscription, the president and directors shall cause to be delivered to each stockholder, after compliance, a certificate or certificates, signed by the president and countersigned by the treasurer, and also sealed with the company's common seal, setting forth the number of shares thus held; said certificates to be transferable on the company's books, in person or by proxy, and in no other way.

Secretary, &c.,
to be appointed.

§ 5. The president and directors shall have power to appoint a secretary and treasurer, as also gate-keepers and other employees needed in constructing and managing the road; and may require bond with security, from such employees as are privileged to handle moneys belonging to the association.

Location of
road.

§ 6. The president and directors of this company shall have power to locate a road from the front gate of C. S. W. Dorsey, connecting the Brownsboro and Ballardsville turnpike roads at or near Baile's Station, on the Lexington and Frankfort railroad, and also to unite with stockholders, resident along said road to be located, in building the same. The money furnished by this company to be held as stock in said branch road as other resident stockholders.

Gate to be
erected on con-
necting road, &
tolls to be kept
separate.

§ 7. The president and directors of the Jefferson and Brownsboro turnpike road company shall cause a toll-gate to be erected on this connecting or gap road, and the tolls received thereat shall be kept separate from the other funds of the company; and in declaring dividends for any profits arising from tolls or otherwise, each stockholder in this branch road shall receive share and share alike with

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the company, in proportion to the sums respectively invested; and the better to secure the interest of individual stockholders in this branch road; they are hereby empowered annually to choose a delegate from among their number, which delegate, when chosen, shall constitute a member of the board of directors, with authority to debate and vote upon any question in which the branch road is interested.

§ 8. If, in locating the branch road from Dorsey's to Baird's Station, it shall be found that the line of way approaches too near the eastern terminus of the Brownsboro road, as granted in a former charter, the president and directors may, if in their discretion it will promote the public convenience, change the eastern terminus, and run their road from Hardin's school-house, by an eligible and convenient route, to any point in Oldham county not further eastward than Lagrange.

Eastern terminus may be changed.

§ 9. The main stem of this road from Louisville to Dorsey's farm shall be graded at an inclination or ascent not exceeding five feet per hundred, and metaled to a width not less than sixteen feet. The two branch roads running from Dorsey's farm respectively to Baird's Station, and to the table land west of the south fork of Harrod's creek, shall be constructed at the same grade and metaled to a width not less than twelve feet: *Provided*, That if said main stem and branch roads be not completed within ten years, this charter shall be forfeited as to the unfinished portions, but shall remain valid as to the rest.

Grade of main stem.

§ 10. The president and directors, with their engineers and other employees, shall have power to enter upon any lands, inclosures, public roads and highways, in, through, and over which said intended road and branches may pass, and to examine and survey the ground most proper for that purpose; also to examine quarries or beds of stone and other materials necessary for the construction of the same; and if the president and directors shall be unable to obtain from the owner or owners relinquishment of the right of way, or consent to remove such material for construction, they may apply to the county court of that county in which the land or material lies for a writ of *ad quod damnum* to assess the damages which the owner or owners may sustain, and the jury, in assessing damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; but the advantages shall not be used as an off-set to the value of the land so taken; and upon the payment or tender of the damages so assessed, the president and directors may open and make said road, and dig and carry away any stone or other material necessary for construction or repairs.

May enter upon lands.

Writ of *ad quod damnum* may be issued.

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Called meet-
ings, quorum.
&c.

§ 11. The president may call meetings of the board at such times and places as he may think proper. A majority of the board of directors shall constitute a quorum to do business, and, in the absence of the president, such majority may elect one of their body president *pro tempore*: *Provided*, That if, by the death of the president, or other cause, a meeting should not be called when the business of the company shall demand it, any two of the directors may call the same, giving reasonable notice of the time and place of meeting in such manner as said board of directors may determine.

Record of pro-
ceedings to be
kept, &c.

§ 12. The president and directors shall keep a record of their proceedings, and shall give reasonable notice of all calls made upon stockholders; but any stockholder failing or refusing to pay such call for the space of thirty days after the time affixed in such notice, may be sued and compelled to pay the same in any court of competent jurisdiction; and when any person has subscribed stock to be paid in work, and shall fail or refuse to do so, or having begun the work, shall not prosecute the same with proper diligence, he may, if he continue in default after reasonable notice, be compelled to pay such subscription in money in any court of competent jurisdiction.

Rates of toll.

§ 13. The president and directors shall have the power to fix the rate of toll at the several gates on the company's main stem and branch roads: *Provided*, Such rates are not higher than those allowed by law to the Louisville and Bardstown turnpike company; and whenever, counting from Louisville, the distance of two and a half miles of road shall be graded and metaled, they may charge half toll therefor, and half toll for each additional two and a half miles, whenever completed; also when the distance of five consecutive miles is graded beyond the metaled portion of said road, counting from Louisville, the company may charge half toll for every such continuous space of five miles.

§ 14. This act to take effect from its passage.

Approved January 24, 1867.

CHAPTER 1109.

AN ACT to charter Jeffersontown, in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town incorpo-
rated, name
and corporate
powers.

§ 1. That the inhabitants within that part of Jefferson county, residing within the boundaries of the town of Jeffersontown, are incorporated as a town by the name and style of Jeffersontown; and shall be a body corporate and politic forever; having the power and right to sue and be

sued, contract and be contracted with, by the name and style of "Jeffersontown;" and to have and use a common seal, and the same to alter and amend at pleasure, or to act without such seal.

§ 2. That the fiscal, prudential, and municipal concerns and interests of said town, with the government and control thereof, shall be vested in a board of five trustees, who shall be elected by the qualified voters of said town in each year, on the first Monday in April, and who shall hold their office for one year, and until their successors are elected and qualified, all of whom shall be *bona fide* residents, have resided within the limits of said town not less than one year before the day of election, and shall be citizens of Kentucky, overtwenty-four years of age; and shall, before they enter upon the duties of said office, take an oath before a justice of the peace for said county, that they will well and truthfully and faithfully, to the best of their skill and ability, discharge the duties of said office, which oath shall be certified by the justice and entered upon the records of the proceedings of said board of trustees; they shall annually elect one of their own number chairman, and he shall execute all contracts made by said board, and shall cause the proceedings of the board of trustees to be entered by the clerk of the board of trustees in a book to be provided for that purpose, and shall, as chairman, sign his name to said record of the proceedings at each meeting of the board of trustees. The said board of trustees shall have the power and authority to adopt, make, or pass any ordinance or by-law, not contrary to the Constitutions and laws of this and the United States, which may be necessary for the good government and regulation of said town, and all of its concerns; and may pass by-laws or ordinances at any time, to levy and collect an annual tax upon and from the citizens of said town, and upon the real and personal estate therein; but said tax shall not in any year exceed fifteen cents on each one hundred dollars in value of said real or personal estate, and shall not in any year exceed two dollars tithe tax; and the tithe tax shall not be assessed against a female, or any male under twenty-one years of age. The said board of trustees may annually elect a clerk, marshal, assessor, and such other officers or agents as they may consider expedient; and may require bond and security from them, or any of them, for a faithful discharge of the duties, which bond may be taken in the name of "Jeffersontown," or in the name of the trustees in office for the time being, and may contain any other conditions or stipulations deemed fit and proper by said board; and may be sued on in the proper court, and recovery had in the name and for the benefit of said town, as in other cases of official bonds in

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Board of trustees to be elected.

Chairman of board to be elected—his powers & duties.

May pass ordinances.

Levy and collect tax.

Officers to be elected.

1867. this Commonwealth. The said officers shall take the constitutional oaths of office, and also to well and truly discharge the duties of their respective offices as required by law, and the by-laws or ordinances of said town. The said board of trustees shall have the power and authority to pass by-laws or ordinances to suppress tippling-houses, houses of ill-fame, bawdy houses, gambling houses, disorderly houses, and the retailing of spirituous or malt or fermented liquors, or either, without license; to prohibit any show or exhibition within said town for pay without license from said board of trustees; and to pass all by-laws or ordinances to promote the good government of said town in all of its municipal relations and affairs; but no such by-laws or ordinances shall be contrary to the laws and Constitution of this State or United States. The said board of trustees shall have power to enforce said by-laws or ordinances, by making the person or persons who violates either or any of them, or any provision thereof, subject to a fine not exceeding one hundred dollars, and not less than five dollars for each offense, to be recovered with costs in the name of the said town, before any justice of the peace for said county, and upon any such judgment *a. fi. fa.* or *ca. sa.* execution may be issued. The said board of trustees shall have the right and power to tax taverns, stores, and places of public resort, or places where ardent, fermented, or other liquors are sold by wholesale or retail, and to adopt and make regulations and rules for the government of all such places of public resort, and to enforce the same by adequate fines and penalties.
- May suppress tippling-houses &c., by ordinance.
- How ordinances may be enforced.
- May tax taverns, shows, &c.
- Qualification of voters, &c.
- § 3. The qualification for voters within said town for said board of trustees, shall be the same as required for State representative; and resident citizens of said town, who actually pay any of the taxes herein authorized to be levied, shall be exempt from working upon public roads outside of the limits of said town. The following persons shall be the board of trustees until the first Monday in April, 1867, and until their successors are elected and qualify, to-wit: J. W. Jean, George Vincischaler, S. N. Marshall, C. T. Wells, and W. W. Senteny. It shall be the duty of the chairman of the board of trustees, or the clerk of said board, to give notice of each annual election, and to conduct the same as judges thereof, and certify the poll-book.
- Powers of marshal.
- § 4. The marshal of said town shall have all the power and authority of a conservator of the peace, to execute and enforce the by-laws or ordinances of said town, and the penal laws of this State within said town; and the said board of trustees may require all other necessary and proper duties to be performed by the said marshal, or any other town officer; and may, for cause, at any time, on due

notice, remove either of said officers from office, and elect another person to fill such vacancy; and may allow each of said officers such salary or pay for his services as the board of trustees may fix by ordinance or by-law.

§ 5. That the net amount of taxes on real and personal estate and tithe tax and for licenses, and collected for fines, shall be applied by said board of trustees to the improvement of the streets, and towards the supply of water within said town, and for any other public improvement, which adds to the comfort of the citizens of said town; and a majority of said board, exclusive of the chairman, shall be necessary to form a quorum, and a majority of the said quorum to do or perform any act binding upon said town. The chairman may call meetings of the board of trustees at his pleasure, or two of the trustees may call a meeting of the board of trustees at any suitable time; all meetings of the said board shall be in said town, and regular meetings may be fixed by ordinance or by-law of the board; at all meetings the chairman shall have the right to preside, when present, and give the casting vote in case of a tie, but not otherwise vote.

How taxes and
fines to be ap-
plied.

§ 6. Nothing in this act shall exempt tavern-keepers or others from any revenue tax or license tax; and this act shall take effect from its passage; and all acts concerning said town of Jeffersontown, contrary to the provisions of this act, are repealed.

Approved January 24, 1867

CHAPTER 1110.

AN ACT to incorporate the Brooksville and Mount Olivet Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Brooksville and Mount Olivet Turnpike Company, for the purpose of constructing and maintaining an artificial road from the town of Brooksville, in Bracken county, to the town of Mount Olivet, in the same county.

Company
formed, and
name and style.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. Books for the subscription of stock shall be opened on the first Monday in May, 1867, or as soon thereafter as may be convenient; at Brooksville, under the superintendence of John H. Boude, John B. Clarke, Patrick H. Clayton, and Benjamin G. Willis; and at Bridgeville, under the superintendence of John Hanson, George H. B. Thomson, John R. Linville, and Joseph Insko; at Mount

Commissioners
to open books.

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Olivet, under the superintendence of Eldridge Kenton, John Rigg, Nimrod Tilton, and Jacob B. Linnville, who are hereby appointed commissioners; and said subscriptions shall be binding on the persons making the same to pay the sums by them respectively subscribed, at such times, and in such amounts, as the president and directors of said company may require by order of the board.

Notice of time
and place of
opening books
to be given.

§ 4. The said commissioners shall give notice, by public advertisement, of the time and place where said books shall be opened, at which time and places one or more of them shall attend and permit all persons legally qualified, whether sole or corporate, to subscribe for such number of shares of the capital stock of said company as they may choose; and the books shall be kept open, from time to time, at the pleasure of the commissioners, until a sufficient sum shall be subscribed to carry out the objects of this incorporation.

President and
directors to be
elected.

§ 5. It shall be the duty of the commissioners, within two months after the closing the subscription books, to give public notice, for at least twenty days, of the time and place for the election of a president and four directors; and all the stockholders in said company shall be entitled to vote at said election in person or by written proxy, in proportion to their stock, as follows: One vote for every share held by them upon which the required calls have been paid; and said president and directors shall hold their offices for one year, and until their successors are elected.

When may pro-
ceed to con-
struct road.

§ 6. So soon as said company is organized, and stock to the amount of two thousand dollars is taken, said company may proceed with the construction of said road; and shall have power to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with; and have and use a corporate seal; and may appoint such officers as they may think necessary to carry out the objects of the incorporation; and may make such necessary by-laws as may not be inconsistent with the laws and constitution of this State.

Bracken coun-
ty court may
take stock.

§ 7. That the county court of Bracken county, a majority of the justices of said county being present and concurring therein, shall have power to subscribe to the capital stock of said company, in the name and for the benefit of said county, any sum not exceeding one thousand dollars per mile of said road.

Grade of road.

May erect
gates.

§ 8. Said company shall have power to construct and complete said road with a grade not exceeding forty feet in width, and not less than ten feet in width of macadamizing; and may erect thereon not more than three toll-gates, at which the rates of toll demanded shall not be greater than those now fixed by law; they shall have

power to condemn all such lands and materials for said road as they may deem necessary.

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Approved January 24, 1867.

CHAPTER 1111.

AN ACT to charter the Metropolitan Fire Insurance Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Dent, J. W. Osborne, J. C. Metcalf, John McAteer, Jacob Keller, John C. Crowe, and J. C. Webb, together with their associates, successors, and assigns, are created a body politic and corporate, under the name of "Metropolitan Fire Insurance Company, of Louisville," and shall continue for thirty years; and may sue and be sued, plead and be impleaded, in any court in this Commonwealth or elsewhere; and have, hold, use, possess and enjoy, purchase, sell, convey, and otherwise dispose of, by and to them and their successors and assigns, lands, tenements, rents, profits, goods, chattels, public and private securities of any kind, quality, and nature whatever, including shares of the capital stock of said corporation, and the accumulated profits; and to have a common seal, and to alter the same at pleasure; and to make, ordain, and establish, and put into execution by-laws as may be necessary and convenient for the government of the corporation, and to amend and alter such by-laws at pleasure; but no such by-law shall be contrary to the laws of this Commonwealth or of the United States.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall consist of three hundred thousand dollars, in three thousand shares of one hundred dollars each, with the privilege of increasing the same, with the concurrence of the owners of a majority of the stock, to a sum not exceeding five hundred thousand dollars, by a sale of additional shares of one hundred dollars each, on such terms and times and manner as the president and directors may direct.

Capital stock.

§ 3. The said persons named as corporators, or a majority of them, may, whenever they deem it advisable, open books of subscription for two thousand shares of the capital stock of said corporation; and when the said number shall have been subscribed for, the books shall be closed, and thereafter notice shall be given, by ten days' advertisement in two of the daily papers published in the city of Louisville, for a meeting of the subscribers, at which meeting ten dollars in money shall be paid upon each share subscribed for, and the company be organized, after which the remaining ninety dollars on each share shall be secured by the notes of the subscribers, to the satisfaction of the

Books for subscription of stock to be opened, when company to organize, &c.

1867.

president and directors, and to be paid at such time or times as they may designate. If any of the incorporators named in this act shall fail to subscribe for stock, when the books are opened for subscription, they shall cease to be incorporators; and if any person subscribing for shares in said company shall fail to pay the ten dollars for each share subscribed, at the time and place such payment is to be made, according to notice, or to execute the notes with approved security, as herein provided, for the remainder, such stock shall be forfeited to the company, and may be disposed of by sale or otherwise; and if at any time any stockholder shall fail to pay any call upon the notes for unpaid installments, the stock of such stockholder shall thereby be forfeited to the company, and may be sold, the company accounting for the sale thereof, after deducting all claims for calls or other claims against such stockholder held by the company.

Board of
directors to be
elected, &c.

§ 4. There shall be, as soon as practicable after the books of subscription are closed, an election for a board of seven directors, who shall be stockholders, and shall be residents of Jefferson county, who shall be elected by a majority of shares voting at such election, either by the person holding the shares or by proxy; and they shall serve one year, and until their successors are elected and qualify; and the board of directors shall designate the time and place of said election in each year, and of the meetings of the stockholders, and give public notice thereof, in at least two of the public newspapers published in said city; and each board of directors elected shall hold their office until their successors are elected and qualify; if, from any cause, there shall be a vacancy in said board of directors, or any of them, after being elected, shall refuse or neglect to act, the majority of the other directors may fill the vacancy by the election of some other stockholder for the remainder of the year for which the director refusing or failing to act, or whose office is vacated, from any cause, was elected; no person elected a director, and not holding capital stock in said corporation, or ceasing to be a stockholder, shall act as director or president of said corporation.

President, &c.,
to be elected—
term of office.

§ 5. The directors of said company shall elect one of their number as president, to hold the office for one year, and until his successor is elected and qualified; and elect two of their number a business committee, in conjunction with the president, which committee shall serve one year, and until their successors are elected and qualify; said committee shall have the general direction and control of the transactions of the corporation; and the president and directors shall appoint or elect such officers and agents and servants as may be necessary for the business of the company, fix their salaries and prescribe their duties; and may

require from any officer, clerk, or agent, such a covenant with good security, as said president and directors shall deem proper for the security of said corporation or its rights and interests. The salary of the president shall be annually fixed by a majority of the whole of the directors, and a majority of said directors shall be a quorum to transact business; and their regular meetings shall be fixed by their by-laws, and they shall keep regular records of their proceedings in a book to be kept for that purpose; they shall, at least, on the first Monday in January and July, in each year, declare a dividend of such portions of the profits of their business; and shall, on the same day in each year, exhibit a statement of the affairs of the company and its business for the preceding six months, which exhibit shall be open to the inspection of the stockholders; no dividend shall be paid out to the stockholders in money out of any of the unearned premiums of insurance received by the company. The president and directors may call meetings of the stockholders and business committee of the directors at any time.

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May declare dividends.

§ 6. Whenever the sum of twenty thousand dollars in cash has been paid by the stockholders, and the further sum of ninety dollars on each share subscribed has been secured by note, as hereinbefore provided, and the president shall make affidavit of the facts to the Auditor of Public Accounts, he shall issue to said corporation a license, and thereupon the president of said company shall have full power and authority, in the name and behalf of said corporation, to make all kinds of marine and fire insurance and residue on property of any and every kind within the United States or elsewhere, on the general conditions of marine and fire insurance, or upon particular principles and conditions designated in the policies issued by said company.

When license to company may be issued, and proceed to business.

§ 7. The form of certificate of stock, and the manner of transferring of the same, shall be fixed in the by-laws of the company, and a lien is hereby created in favor of the corporation, on the shares of stock of any holder thereof, for any claim of any kind whatever which the company may have against the holder of such shares of stock.

Form of certificate of stock.

§ 8. The principal office of said company for the transaction of business shall be in the city of Louisville, Jefferson county, in this State; but the president and directors may establish and keep agencies or branch offices elsewhere.

Principal office.

§ 9. Whenever said company ceases to be an insurance company in good faith, this charter shall cease and be void, and may be so declared by the judgment of the Louisville

When charter to be void.

1867. chancery court, on petition showing and proof of the fact, by any person whatever.

§ 10. This act shall take effect from its passage.

Approved January 24, 1867.

CHAPTER 1112.

AN ACT to amend the charter of the Town of Athens, in Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Athens shall have the power, and it shall be their duty, at the first meeting of the board of trustees after their election, to elect a police judge for the said town of Athens, for the term of one year, or until his successor shall be qualified; and the trustees shall fix the salary of said police judge, to be paid out of the treasury of said town. The said police judge shall have the same civil, penal, and criminal jurisdiction of a justice of the peace; and, in addition thereto, jurisdiction of all breaches of the ordinances, rules, and by-laws adopted by the board of trustees. If, for any cause, [an] election of said police judge is not held at the first meeting of the board, it shall be held as soon afterwards as possible. He shall take the same oath as a justice of the peace, and, in addition to the qualifications of a justice of the peace, shall have been a resident of Athens for one year prior to his election.

§ 2. Until a watch-house is erected in said town, the jailer of the county of Fayette shall receive and confine all persons sent, upon proper mittimus of said police judge, upon the same terms and at the same compensation now in force for other prisoners, to be paid out of the treasury of said town.

§ 3. The trustees of said town shall have full power to lay and collect taxes sufficient to support the government with its necessary police and other officers; to make proper by-laws and ordinances for the preservation of the health, peace, and order of the town.

Approved January 24, 1867.

CHAPTER 1113.

AN ACT to increase the Capital Stock of the Louisville and Bardstown Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Louisville and Bardstown Turnpike Road Company to add to its capital stock

such an amount as may be necessary to pay to the Bardstown and Louisville turnpike road company the purchase money for a fraction of [a] mile of said road which they are hereby authorized to sell to said Louisville and Bardstown Turnpike Road Company, by an act approved December 20th, 1865.

1867.

§ 2. This act to take effect from its passage.

Approved January 24, 1867.

CHAPTER 1114.

AN ACT to incorporate the Southern Accidental Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. Kirby Smith, Lucien Peyten, C. M. McCraw, W. J. Davis, R. A. Watts, and others, who may associate under this act, and their successors, are hereby created and declared to be a body politic and corporate, by the name and style of the Southern Accidental Insurance Company; and by the same name shall have perpetual succession; shall make and establish a common seal, with the privilege of altering and renewing the same at pleasure; may sue and be sued, plead and be pleaded, in all the courts of law and equity of this State and elsewhere; shall purchase, hold, lease, or sell property, real or personal; and shall ordain and establish and put into execution such rules, by-laws or ordinances, and regulations as may be necessary and convenient for the government and organization of the corporation; and generally may do every act and thing necessary to carry into effect this act: *Provided*, Such acts be not inconsistent with the laws of this State or of the United States.

§ 2. The capital stock of said company shall not be less than fifty thousand dollars, to be divided into shares of one hundred dollars each; but privilege is hereby granted to said company to increase their said capital stock, from time to time, as it may deem best, in such manner as its president and directors may prescribe: *Provided*, The said capital shall not exceed the sum of one million of dollars. Said capital stock shall be payable by each subscriber, at such time or times as it may be called for by the president and directors of said company, in such proportion as they may deem necessary; and if any subscriber shall fail to pay the amount so called for, within twenty days after the same has been demanded, the said amount may be recovered by motion, upon ten days' notice, in any court of record in the county or corporation wherein the delinquent stockholder resides.

1867.

§ 3. The object and business of said company is prescribed to be the insuring of persons traveling by railroad, steamboat, stage coach, or any other means of conveyance, against injury to body or loss of life, and against any accident or injury occurring in any manner whatever, upon such terms as may be agreed upon by the contracting parties.

§ 4. The funds of the company may be invested in bank, State, or other stocks, in bonds of this or any other State, of the United States, or of any incorporated company, in bonds, notes, or bills drawn or accepted by private individuals, with or without real estate security, or in any manner which, in the opinion of its president and directors, may be deemed safe and expedient.

§ 5. The affairs of the company shall be managed by a board of directors, who shall be elected by the stockholders within six months after the passage of this act, and shall continue in office one year, or until their successors are appointed.

§ 6. The directors thus elected shall have power to elect one of their number president of this company, and may also elect such other officers and clerks as they may find necessary for the proper conducting of the business of the company, and shall allow them suitable compensation for their services.

§ 7. It shall be lawful for the company hereby incorporated to establish branch offices or agencies, within this State or elsewhere, at such points as may be necessary to enable them best to conduct their business; and the corporate seal of said corporation shall be used at such agencies under the direction of the president.

§ 8. Insurance may be effected for the benefit of either the insured or for such person or persons as he or she may indicate.

§ 9. The president and directors may, out of the profits of said company, declare such dividends as they may deem proper. They shall annually make and publish a report showing the condition of the company.

§ 10. The members of the company shall not be liable for any loss, damage, or responsibility other than the property they have in the capital and funds of the company to the amount of the shares respectively held by them, and any profits arising therefrom not divided.

§ 11. The persons named in the first section shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such place or places as they may deem proper. Three days' notice shall be given by said commissioners of the time and place of opening said books, in some newspaper published in the State; which books shall not be closed in less than ten days from

the time of opening the same; a like notice shall be given by the said commissioners for the time and place of the meeting of the stockholders to choose directors. They shall supervise the election of the first board of directors, and shall deliver over to them, when so elected, any property belonging to said corporation that may have come into their hands.

§ 12. This act shall be in force from its passage, and shall be at all times subject to modification, alteration, amendment, or repeal, at the pleasure of the Legislature.

Approved January 24, 1867.

1867.

CHAPTER 1115.

AN ACT to amend the charter of the Masonic Savings Institution, of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one all acts incorporating the Masonic Savings Institution," approved February 20th, 1864, be, and the same is hereby, amended as follows:

§ 2. The corporation created by said act shall be henceforth known and recognized as the Masonic Savings Bank; and by that name shall have, exercise, and possess all the rights, powers, privileges, and immunities granted, and be subject to all the liabilities provided by the act to which this is an amendment; and all leases, contracts, and agreements heretofore entered into and now existing, and all notes and bills of exchange and other securities, purchased, discounted, and held by said corporation, by the name of the Masonic Savings Institution, shall inure to, be held, and owned by it, by the name of the Masonic Savings Bank, to all intents and purposes, as fully as if the word "Institution" had been originally stricken out of said act wherever it occurs, and the word "Bank" inserted therein, and shall be equally as binding on the parties thereto.

Name changed, and powers of institution under said change

§ 3. That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars.

Capital stock not to exceed \$200,000.

§ 4. That the 10th section of the act to which this is an amendment be, and the same is hereby, repealed.

10th section of original charter repealed.

§ 5. The Masonic Savings Bank shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stocks, produce, and merchandise in pledge for the security of money or debts owing to it. It may also receive in pledge, or as security for money loaned, or debts owing, United States vouchers, certificates, or bonds of indebtedness, or the bonds of the State of Kentucky, or

Further powers of corporation.

1867. of any other State, city, or county, and sell the same, on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made between the parties in writing, and pass a good title thereto to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid, or duly tendered: *Provided*, The owner or party pledging the same shall have twenty days' notice in writing of the time and place of any such sale, if a resident of the State of Kentucky, and if a non-resident, or absent from the State, then not until public notice of the time and place of sale shall have been previously inserted for the same length of time, in one of the newspapers published in the city of Louisville.

§ 6. This act shall take effect and be in force from its passage.

Approved January 25, 1867.

CHAPTER 1116.

AN ACT to amend the Swiss Benevolent Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the first section of said act be amended to read, "The Gruetli Benevolent Society of Louisville," in the place and stead of the Swiss Benevolent Society.

§ 2. This act shall take effect from its passage.

Approved January 25, 1867.

CHAPTER 1117.

AN ACT authorizing a sale of Cooper's Run Church, of Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bourbon circuit court may, upon the petition of a majority of the members of the Church of Christ, heretofore meeting at Cooper's run, decree a sale of the two acres of land in said county, and the houses thereon belonging to said church, upon such terms and conditions as may, in the discretion of the court, be considered to be most reasonable; and direct the proceeds of the sale to be used by commissioners, to be appointed by said court, in the purchase of a house and lot in the city of Paris, to be used and occupied by the Church of Christ in said city as a

parsonage; said court may make all necessary orders to carry out said decree.

1867.

§ 2. This act shall take effect from its passage.

Approved January 25, 1867.

CHAPTER 1118.

AN ACT to amend an act, entitled "An act to authorize the voters of Mercer county to vote on the levy of a tax for railroad and turnpike purposes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to authorize the voters of Mercer county to vote on a levy of tax for railroad and turnpike purposes, approved January 25th, 1867, be, and the same is hereby, amended—

§ 2. By striking out, wherever it occurs in the act, the amount \$100,000, and inserting \$112,000.

§ 3. Inserting after the words "in aid," in section 1, the words "by donation."

§ 4. Striking out the amounts "\$9,000," in both places in section 10, and inserting "\$15,000" in both places.

§ 5. Insert after the words "sums above named," in section 11, the words "for turnpike purposes."

§ 6. This act to take effect from its passage.

Approved January 25, 1867.

CHAPTER 1120.

AN ACT to amend an act for the benefit of the sureties of W. J. Fields, late sheriff of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, line three, in said act, after the word "tax," insert the following words: "and county levies."

§ 2. That the further time of one year from the passage of this act be allowed said Rucker to make and return his delinquent lists, during which time no execution shall issue upon the judgments against Fields and sureties.

§ 3. When the principal and costs are paid, the interest shall also be returned discharged by the Auditor.

§ 4. In making returns of the delinquent lists in the act to which this is an amendment and this amendment, the court shall also give credit to said sheriff Fields, and sureties, for all sums that was collected by John Armstrong,

1867. who was appointed collector of the revenue and county levy, for Carter county, for the year 1861, appointed by said court, April term, 1862.

§ 5. This act shall take effect from its passage.

Approved January 25, 1867.

CHAPTER 1121.

AN ACT for the benefit of Ann Eliza King, a free woman of color.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the bequest in the will of Edmund Moore, deceased, a free man of color, to his daughter, Ann E. King, late Ann E. Moore, admitted to probate in the county court of Jefferson county on the — day of October, 1852, be, and the said bequest is hereby, made valid in law, and full force and effect shall be given to the said will.

Approved January 25, 1867.

CHAPTER 1122.

AN ACT to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the company named in the title [of] this act be so amended, that the company can begin the construction of said road at any convenient point on the Mt. Sterling and Owingsville turnpike company; and so that said company shall only be required to grade their road eighteen feet wide, and to metal it only fifteen feet wide.

§ 2. This act is in force from its passage.

Approved January 25, 1867.

CHAPTER 1123.

AN ACT to amend an act, entitled "An act to incorporate the Young Lodge, of Free and Accepted Masons, in the Town of Hodgenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate Young Lodge, in the town of Hodgenville," approved March 4th, 1850, be so amended as to change the name to B. R.

Young Lodge; and the other provisions of said recited act to remain in full force and effect.

1867.

§ 2. This act to take effect from its passage.

Approved January 25, 1867.

CHAPTER 1124.

AN ACT to incorporate Cecilian College, in Hardin County.

WHEREAS, Cecilian College has been in successful operation for more than six years, and the proprietors desire an act enabling them to confer diplomas; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Charles Cecil, sr., H. A. Cecil, T. G. Cecil, and A. D. Cecil, proprietors of said college, and their successors, have power to confer upon the students of said college any or all degrees or diplomas conferred by any of the colleges or literary institutions of the State.

Approved January 25, 1867.

CHAPTER 1125.

AN ACT to incorporate the Lexington Library Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That — Hart, sr., Jas. Morrison, John Bradford, Jas. Trotter, John A. Lutz, Robert Patterson, John McDowell, Robert Barr, William Macbean, Jas. Maccoun, Caleb Wallace, Fielding L. Turner, Samuel Postlethwait, and Thos. T. Barr, and the rest of the subscribers who have subscribed, or who may hereafter subscribe to the Lexington Library Association, shall be a body-politic and incorporate, by the name and style of the "Shares of the Lexington Library;" and by that name shall have the power to sue and be sued, implead and be impleaded, and to have and to make use of a common seal.

§ 2. The shareholders of the Lexington Library shall meet in the city of Lexington, in their library room, on the first Saturday in February, 1867, and on the first Saturday in every January thereafter, at such place or places as they may appoint, for the purpose of electing five persons as directors, all of whom shall [be] shareholders, and continue in office one year; who shall take an oath or affirmation faithfully and impartially to do their duty: *Provided*, That if no election takes place at any of the succeeding periods, the directors last in office shall continue until the election in the ensuing year.

1867.

§ 3. The directors so elected shall choose from among themselves (a) chairman, and shall at all times have, hold, possess, and exercise all the authority invested in them by this act, or the articles of the association; they shall have the power to fill any vacancies which may happen in their body, whether occasioned by death, resignation, or refusal to act; and to call general meetings of shareholders by public advertisement whenever they may deem it necessary.

§ 4. The directory shall make all necessary by-laws for the government of said corporation, and appoint or remove from office in case of misconduct of their secretaries, treasurers, and librarians; which said officers shall take an oath or affirmation faithfully and impartially to do their duties.

§ 5. The directors shall have power to recover all and any sums of money due by any shareholder under the articles of subscription to said library, or which may hereafter become due to the corporation, in the same manner as debts of the like amount are by law recoverable.

§ 6. That the action of the corporation in issuing bonds for (\$6,000) six thousand dollars for the purchase of a library building, is hereby made legal; but that the directory shall not hereafter have the power to make any contracts for the corporation exceeding the amount of their available cash means.

§ 7. Three directors shall be a quorum to proceed to business, and a majority of whom shall determine on any question.

§ 8. The number of shares shall not exceed one thousand in said corporation. The shares shall be transferable, and all estates, rights, properties, privileges, and debts and fund of every kind now belonging to the said library association, shall be vested in and belong to the said corporation. Any shareholder whose unpaid dues amount to the value of his share or shares, shall forfeit the same (unless paid), at the discretion of the directors.

§ 9. The said corporation shall and may lawfully possess property, whether real or personal, to any amount not exceeding one hundred thousand dollars, exclusive of books, maps, painting, statuary, &c.

§ 10. The secretary shall keep a record of all orders, resolutions, and proceedings of the corporation, which shall be evidence both for and against the corporation in any matter of controversy wherein the corporation may be concerned.

§ 11. That all constitutions and by-laws that conflict with this, are hereby repealed.

Approved January 25, 1867.

CHAPTER 1126.

1867.

AN ACT to repeal so much of "An act for the benefit of the towns of Franklin and Scottsville," approved January 27th, 1863, as applies to Scottsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the towns of Franklin and Scottsville," approved January 27th, 1863, so far as it applies to the town of Scottsville, be, and the same is hereby, repealed; and all laws repealed by said act are hereby re-enacted, so far as the said town of Scottsville is concerned.

§ 2. This act shall take effect on its passage.

Approved January 25, 1867.

CHAPTER 1127.

AN ACT to amend an act to incorporate the Jessamine Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word "Jessamine" is hereby substituted for "Nicholasville," occurring in the last line of the second paragraph in the act of incorporation.

§ 2. The trustees heretofore appointed shall hold their office for three years from the first day of July, 1866; and then every three years thereafter an election shall be held by the stockholders of said institute for trustees, at such time and place as may be fixed by said trustees in their by-laws. Two of the trustees shall preside over and hold said election. The trustees heretofore appointed and to be elected, as herein provided, shall continue in office until their successors are elected and qualified; and every person subscribing and paying to the treasurer of said institute the sum of fifty dollars, shall be deemed to be a stockholder in said institute; and for every fifty dollars so subscribed and paid, shall be entitled to one vote in the election of trustees for said institute.

§ 3. This act to take effect from and after its passage.

Approved January 25, 1867.

CHAPTER 1128.

AN ACT to incorporate the Tobacco Exchange Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a deposit and savings bank is hereby established in the city of Louisville, to be styled the "Tobacco Exchange Bank;" and by that name shall have all the

Corporators' names, and corporate powers.

1867.

rights and privileges of a natural person; and in that name may contract and be contracted with, may sue and be sued, answer and defend, in all courts of law and equity; may have and use a common seal, and alter or change the same at pleasure.

Who to control
and manage.

Qualification of
directors.

President.

May receive
subscription for
unsold shares,
declare divi-
dends, appoint
officers, &c.

§ 2. The corporation created by the first section hereof shall be under the control and management of nine directors, who shall be elected annually by the stockholders on the second Tuesday in January, and hold their office for one year, or until their successors are elected. No person shall be elected a director who is not at the time of such election a stockholder and resident of the State. The directors shall annually elect one of their number president. They may receive subscriptions for as many shares of the stock of the company remaining unsold as they may at any time choose to sell; declare dividends of profits arising out of the business, and appoint such officers, agents, and servants as they may deem necessary, fix their compensation, provide for the administering oaths and taking such bonds as they may deem necessary to secure a faithful discharge of their duties; and may, from time to time, make all necessary by-laws, rules and regulations, not inconsistent with the Constitution and laws of the Commonwealth or the Constitution and laws of the United States, for the government of the corporation and the conduct of its business, and alter and amend the same at pleasure.

Commissioners
to receive sub-
scriptions.

§ 3. R. Burge, Isaac H. Caldwell, John A. Dunlop, A. Baker, John Hikes, John T. Moore, F. S. J. Ronald, A. Glazebrook, and G. Spratt, are hereby appointed commissioners to receive subscriptions of stock, and shall fix the time and manner of paying in the same, and prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for; and when not less than one hundred and fifty thousand dollars shall have been paid in, or secured to be paid on account of subscriptions to said capital stock, the said corporation may be organized and proceed to business.

Capital stock.

§ 4. The capital stock of said bank shall be five hundred thousand dollars, divided into shares of one hundred dollars each. The stock shall be personal estate, and transferable on the books of the bank according to its by-laws; but the bank shall hold a lien on the stock to secure any indebtedness or liability of the stockholder.

May receive
deposits, &c.

§ 5. Said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currency, and pay the same in kind or otherwise as may be agreed by general or special contract; and may allow interest on deposits, not to exceed the rate of six per cent. per annum; it may loan money, discount promissory notes, buy and

sell exchange, stocks, and other mercantile securities; and the promissory notes made payable at its banking house, or at any bank, and inland bills which may be discounted or purchased prior to maturity by said bank, shall be, and are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto.

1867.

§ 6. Said bank shall have power to loan money on approved securities, to make advances on agricultural and other products of the country; it may receive bonds, stocks, produce, and merchandise in pledge for the security of money; it may also receive on pledge, or as security for money loaned or debts owing, United States bonds, or certificates of indebtedness, or the bonds of the State of Kentucky, and sell the same on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made between the parties, and pass a good title to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid or duly tendered: *Provided*, That the power here given shall not be understood to authorize the sale of any real estate, nor shall any sale of any security or other article of property mentioned in this section be made by said bank until it shall have first given the owner or party pledging the same twenty days' notice in writing of the time and place of said sale.

May loan money, make advances on agricultural products, &c.

§ 7. The persons named in the third section of this act as commissioners shall constitute the first board of directors of said bank, and shall organize by choosing one of their number president; but if any of said persons shall fail to subscribe for stock, or pay in on account thereof as prescribed, his or their place or places may be treated as vacant, and the vacancy or vacancies filled by the remaining directors; said directors shall serve until the next annual election of directors after their organization, or until their successors are elected.

First board of directors.

§ 8. Said corporation may acquire and hold such real estate and other property as may be deemed necessary by the directors for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same.

May acquire and hold real estate.

§ 9. It shall be the duty of said bank to cause to be paid into the treasury, on the first day of January in each year, fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be part of the sinking fund of the Commonwealth.

To pay State tax.

1867.

Shall not issue
notes to circulate
as money.

§ 10. It shall not be lawful for the bank herein incorporated, to issue any note or bill to be passed or used as currency.

§ 11. This act shall take effect from its passage, and continue in force twenty years.

Approved January 25, 1867.

CHAPTER 1129.

AN ACT to incorporate the Board of Education of the Louisville Annual Conference of the Methodist Episcopal Church, South.

WHEREAS, The Louisville Conference of the Methodist Episcopal Church, South, have resolved to form an educational fund, for the endowment of a college or colleges, for the promotion of literature, science, morality, and religion, within the limits of said conference; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. Thomas Bottomley, Rev. John H. Linn, Rev. William H. Anderson, Burdet C. Levi, and John A. Carter, and their successors in office, be, and they are hereby, constituted a body corporate and politic, to be known by the name and style of the Board of Education of the Louisville Annual Conference of the Methodist Episcopal Church, South; with the right and power of exercising all and singular the privileges, incidents, and capacities of corporations aggregate; to sue and be sued, implead and be impleaded, grant or receive, contract and be contracted with, and do or perform all other proper and necessary acts and things as natural persons; to purchase and hold lands or other real estate and personal property, as the educational fund of said conference; to have and use a common seal, and change the same at pleasure; to appoint an executive committee of its own body, or of other persons, members of said church; to make by-laws and ordinances for their own government, and change the same at will: *Provided*, Said by-laws and ordinances are not inconsistent with the Constitution and laws of the State; and to do and perform all other things necessary, in order to the carrying out of the trust herein committed to them.

§ 2. That the members of this board to be hereafter appointed, shall be elected by the Louisville Annual Conference of the Methodist Episcopal Church, South, at its annual sessions, in the following manner, to-wit: One member of the board shall go out of office at each annual session of the conference, and some one else shall be elected in his place, or he shall be re-elected. The members of the present board shall be retired in the order in

1867.

which they are named in this charter, beginning with the one first named. Each member of the board shall continue in office until his successor is duly elected and prepared to enter upon the discharge of the duties of his office. The said conference may, at their pleasure, change the number of the board, but there shall never be less than five nor more than ten, one half of whom at least shall be laymen. A majority of the board shall constitute a quorum for the transaction of business: *Provided*, Such official notice of the time and place of its meetings has been given as the board may direct. In the event of a vacancy in the board of education by death, resignation, or otherwise, the same may, during the interim of the conference, be filled by the remaining members of the board.

§ 3. That the money secured by this board as the educational fund of the conference, after the payment of the necessary expenses of its collection, shall be invested as safely and profitably as possible, under the direction of the board. The principal of the invested fund shall never be used for any purpose whatever, and the interest thereon shall be applied exclusively to the payment of the salaries of the presidents, professors, and other teachers of the college or colleges contemplated herein, or shall be invested as an addition to the principal.

§ 4. That the board of education shall report their acts annually to the conference, and make a full exhibit of the amount of funds in their hands, the manner of investment, and a list of disbursements, &c.

§ 5. This board may acquire and hold property in any amount not exceeding three hundred thousand dollars.

§ 6. This act shall take effect from its passage.

Approved January 25, 1867.

CHAPTER 1130.

AN ACT to incorporate the Kentucky Mining, Lumber, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Dent, M. Woods Furguson, Wm. R. Ray, Wm. K. Thomas, Wm. E. Hughes, Wm. R. Thompson, Edward Crutchfield, W. C. D. Whips, James Harrison, and George Stealey, their associates, successors, and assigns, shall be, and are hereby, created a body-politic and corporate thirty years, by the name and style of the "Kentucky Mining, Lumber, and Manufacturing Company;" and by and in that name said corporation shall have power to contract and be contracted with, to sue and be sued, answer and be answered, plead and be impleaded, in all

Corporators'
names and cor-
porate powers.

1867.

courts and places as a natural person, forever; and to have and use a common seal, and to change the same at pleasure; and to make all necessary by-laws and regulations for the government of the company, and the management of its business, not inconsistent with the Constitution and laws of this State and of the United States.

May purchase
real estate, &c.

§ 2. The said company shall have power to purchase, lease, take, hold, acquire, and convey any real or personal estate of any and every kind, in fee simple or otherwise, in Kentucky or elsewhere; and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; but the real estate so held shall not exceed (\$4,000,000) four millions of dollars in value at any one time; it shall have power to dig, bore, mine, and in any other manner search for coal, salt, iron, silver, copper, and any other mineral products and deposits in the earth; and to smelt, refine, and manufacture any such products; to purchase lumber, manufacture and deal in the same; to make, weave, and manufacture woolen and cotton fabrics and cloths; to make and construct machines of iron and wood, or of either; to manufacture iron, copper, silver, earthen, wooden, and other ware; to make furniture, farming implements, and other machines or machinery necessary and proper in industrial pursuits; to build warehouses, manufactories, and stores, and erect such machinery and apparatus as may be necessary to conduct the business of said company; to construct one or more railroads, not exceeding thirty miles in length each, from any point on their lands to any other railroad or navigable stream or canal, and pass over the lands of other persons, provided they shall obtain the consent of the owners by agreement; otherwise, said company shall proceed to condemn the same as now prescribed by the Revised Statutes of this State; to transport their products, minerals, and manufactures, and sell the same in or out of this State; to sell, convey, transfer, or assign all or any part or interest in said estate, corporeal or incorporeal, real or personal, and to exercise any necessary or proper powers to carry out the expressed powers granted by this act.

Further powers

Further powers
of corporation.

§ 3. The said corporation shall have power to transact financial business as a natural person, and promote industrial enterprises in Kentucky and elsewhere; to loan money, discount and buy promissory notes, bills of exchange, and other mercantile paper, bills of lading and warehouse receipts, buy and sell exchange, stocks, and other mercantile securities; and the promissory notes and other mercantile paper and securities made negotiable and payable at the office or principal place of business of said corporation, or of any of the incorporated banks or branches in this State, or of any of the National Banks or licensed brokers

and bankers in this State, and inland bills which may be discounted or bought prior to maturity by said corporation, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, indorsers or other parties thereto.

1867.

§ 4. The said corporation shall have power to make advances of money or property on approved securities, and upon the agricultural, mechanical, and other products of the country; it may receive bonds, stocks, produce, merchandise, personal and real estate, bills of lading, and warehouse receipts, in pledge for the security of money and its debts, and also receive in pledge, or as security for money loaned or debts owing, United States bonds, vouchers, certificates or bonds of indebtedness, and the bonds of the State of Kentucky, and sell the same, or any part thereof, except real estate, on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made between the parties, and pass a good title to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid or duly tendered; and the above power of sale by said corporation shall apply to and embrace all bonds, securities, mercantile paper, personal property, and other securities or things received in pledge or as security, as authorized by this act: *Provided*, That said company shall give to the owner or party pledging the same ten days' written notice of the time and place of such sale before any such sale shall be made; it may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currency, and pay the same in kind, or as may be agreed by general or special contract; and may allow interest on deposits, not to exceed six per cent. per annum, or at that rate for a greater or less period; it may issue letters of credit, payable throughout the United States, Canada, Europe, and the West India Islands, and Mexico, for the convenience of merchants and travelers, but shall not issue promissory notes to circulate as money.

May make advances on property, &c.

§ 5. The said corporation may borrow money, but not in excess of its capital stock subscribed, and may secure the same by mortgage on its real or personal property, or pledge of stocks or bonds, or otherwise, and on such time as the president and directors, or a quorum thereof, may deem expedient.

May borrow money.

§ 6. The capital stock of said corporation shall be one million of dollars, with the privilege to said corporation to increase the same to five millions of dollars by a vote of a majority of the stockholders, and shall be divided into shares of five hundred dollars each. The shares shall be personal estate, and transferable in the books of the cor-

Capital stock.

Shares to be personal estate.

1867.

Commissioners
to receive sub-
scriptions of
stock.

poration, according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it, and such shares shall not be transferred without the consent of the president and directors, until such debt shall be paid or discharged. Each share of said stock shall entitle the holder to one vote at all elections of directors, and at all meetings of stockholders.

§ 7. The said persons named in the first section of this act, or such of them as a majority shall appoint, shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying the same, and prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for. And when not less than two hundred thousand dollars shall have been actually paid in, or secured to be paid on account of subscriptions to said capital stock, the said corporation may be organized and proceed to business.

Who to con-
duct business
of corporation.

§ 8. The business of said corporation shall be conducted by not less than five nor more than nine directors, who shall elect one of their number president. The persons herein named as corporators shall compose the first board of directors, who shall organize by choosing one of their number president; but no person shall at any time be president or director in said corporation who does not own at least one share of the capital stock, or who has not, in the first organization of said corporation, subscribed for at least one share of said capital stock. When a vacancy shall occur in the said board of directors, the vacancy shall be filled by the remaining directors; and the president and directors shall always hold their offices and serve until their successors are duly qualified. The time and manner of the election of the directors and officers shall be fixed by the by-laws, and also the number of directors necessary to make a quorum for the transaction of business; and the by-laws may provide for administering oaths and taking bonds from its officers and employees to secure the faithful discharge of their duties.

May employ
officers, agents,
&c.

§ 9. The president and board of directors shall have power to employ such officers and agents as may be necessary and proper for the transaction of the business, and fix the salaries to be paid, and declare dividends out of the profits. The office or principal place of business of said corporation shall be in the city of Louisville; but the president and directors may establish such branch offices, at such times and places, in or out of this State, as they may deem expedient for the successful prosecution of the business.

County courts,
private corpo-
rations, &c.,
may subscribe
stock.

§ 10. Any county court or public or private corporation in this State, may subscribe stock in the said corporation, a majority of all the justices of any such county court, or

a majority of the council or directors of any such corporation, agreeing thereto; and the votes of such subscribing corporations may be cast in meetings of the stockholders of this said corporation, by any agent duly authorized thereto by said county courts, or subscribing corporations.

1867.

§ 11. The corporation hereby created is prohibited from lending money at a greater rate of interest than is now or may hereafter be permitted by the laws of this Commonwealth, unless, by express agreement made between the parties, a rate of interest, not exceeding ten per cent. per annum, is stipulated to be paid.

Not to loan money at a greater rate of interest than that allowed by law.

§ 12. That should any officer, agent, or employee of said company, willfully and fraudulently make any false entry, or fail to make any correct entry upon the book or books of said company, to cheat or defraud said company, or any stockholder thereof, or other person, or shall convert to his own use any property, funds, money, or securities of said company, or other corporation or person, in the possession of said company, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary and jail of this Commonwealth for a term not less than one year nor more than ten years, and shall be liable to said company or party injured in a civil action for damages.

Penalty for making false entries, &c.

§ 13. This act shall take effect from its passage.

Approved January 25, 1867.

CHAPTER 1132.

AN ACT to incorporate the Hillsboro and Phelps' Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, to be styled the Hillsboro and Phelps' Mill turnpike road company, for the purpose of constructing a turnpike road from Hillsboro to Phelps' Mill, in Fleming county; that the capital stock shall not exceed twelve thousand dollars, to be divided into shares of fifty dollars each.

Name and style of company.

§ 2. That books for the subscription of stock in said company shall be opened at Hillsboro and Phelps' Mill, on the first Monday in March, 1867, or as soon thereafter as may be deemed advisable, under the supervision of Johnson Phelps, Anthony Rawlings, Dr. L. J. Jones, James W. Crain, and S. J. Smoot, or any three thereof, who are hereby constituted commissioners for such purposes. The subscribers for stock shall sign the following obligation, to-wit: "We whose names are hereunto subscribed, hereby obligate ourselves to pay to the president, directors, and

Commissioners to open books.

Obligation of subscribers.

1867.

company of the Hillsboro and Phelps' Mill turnpike road company, fifty dollars for each share of stock in said company hereby subscribed for by us." The number of shares so subscribed shall be designated opposite each subscriber's name; and said subscription shall be made in a book in which said obligation shall be written.

President and
directors to be
elected.

§ 3. As soon as four thousand dollars is subscribed, the stockholders shall be notified by said commissioners to meet at Hillsboro and elect a president and six directors for said company, who shall continue in office for one year and until their successors shall be elected and qualified; each stockholder shall be entitled for each share of stock subscribed and paid as may be required by the president and directors; the president and directors shall take an oath before some justice of the peace faithfully to discharge their duties, without favor or affection.

Treasurer and
other officers to
be appointed. &
Treasurer to
give bond.

§ 4. The president and directors shall appoint a treasurer and clerk, who shall keep, in a well bound book, a record of the proceedings of said board, which shall at all times be open to the inspection of any stockholder. The treasurer, before entering on his duties, with two or more securities, to be approved by the president and directors, conditioned that he will faithfully discharge his duties as treasurer, and that he at all times will pay over any money in his hands to the order of the president and directors of said board, which bond shall be executed to the president and directors of said board. The treasurer and clerk shall hold their offices for one year, and until their successors are appointed and qualified; before entering on their duties they shall take the oath prescribed to the president and directors aforesaid.

Term of office.

May let out por-
tions of road.

§ 5. The president and directors may let out any portion of said road as soon as four thousand dollars is subscribed, and the balance of said road as soon as the capital stock is subscribed; and as soon as two miles and one half of said road is completed, they may erect a toll-gate and collect toll for that portion of said road; the charges for toll shall be in conformity with the general law of this State regulating tolls on turnpike roads; and they shall only be authorized to charge toll for so much of said road as shall be completed and in good repair for traveling; and that so soon as said road be completed to Fox creek, and a bridge erected across said creek, they shall dispense with said half gate, and erect a whole gate, and be allowed full toll therefor.

May erect
gates.

Rates of toll.

Corporate
powers.

§ 6. Said company may sue and be sued in the name of the president, directors, and company, of the Hillsboro and Phelps' Mill turnpike road company. The president and directors may receive releases of right of way and ground for rock quarries, and, by proceedings instituted in con-

formity with existing laws, may condemn the land for right of way over which said road may be located, and ground for toll-gates and rock quarries, just compensation being paid to owners thereof, to be assessed by a jury empaneled for such purposes as aforesaid.

1867.

§ 7. The provisions of an act, entitled "An act to incorporate the Hillsboro and Poplar Plains turnpike road company," and any act or acts therein referred to, shall apply to and regulate the proceedings of this company, so far as the provisions of said act or acts are not inconsistent herewith.

§ 8. This act shall take effect from its passage.

Approved January 26, 1867.

CHAPTER 1133.

AN ACT for the benefit of Robert Hamilton, Sheriff of Perry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Hamilton, sheriff of Perry county, be, and he is hereby, allowed the further time until June 1st, 1867, to collect and pay into the Treasury the taxes of said county for the year 1866; and also to return the delinquent list of said county: *Provided*, That his sureties shall consent to such extension in open court in said county.

§ 2. This act to take effect from and after its passage.

Approved January 26, 1867.

CHAPTER 1134.

AN ACT for the benefit of A. H. Buckner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, required to draw his warrant on the Treasurer in favor of A. H. Buckner, for the sum of thirty dollars, in discharge of said Buckner's claim for additional services in investigating the accounts of Thomas S. Page, late Auditor.

§ 2. This act shall take effect from its passage.

Approved January 26, 1867.

1867.

CHAPTER 1135.

AN ACT to amend an act, entitled "An act to incorporate the Salomon Gas Company," approved January 16th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Salomon Gas Company," approved 16th January, 1866, be, and the same is hereby, amended so as to authorize the said company, in addition to the amount of stock allowed by said act, to increase the capital stock not exceeding fifty thousand dollars for each city or town with the authorities of which the said company may contract for the erection of gas works, under the provisions of the seventh section of said act.

§ 2. That the authorities of each city or town which may contract with the said company for the erection of gas works under this act, shall be, and they are hereby, authorized to subscribe for, and take stock in said company not exceeding the aforesaid sum of fifty thousand dollars—a majority of all the legal voters in any such city or town having previously, at public election, voted in favor of such an appropriation; and the authorities of said city or town so contracting, are hereby further authorized to issue and sell bonds for the purpose of paying for said capital stock of the said company: *Provided*, Said bonds shall not be sold below par, nor bear more than six per cent. interest per annum.

§ 3. This act shall be in force from and after its passage.
Approved January 26, 1867.

CHAPTER 1136.

AN ACT for the benefit of Robert J. Dawson, of Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty dollars be paid to Robert J. Dawson out of any money in the Treasury not otherwise appropriated, for his services in taking a lunatic from Mason county to the Western Lunatic Asylum.

§ 2. That this act shall be in force from its passage.

Approved January 26, 1867.

CHAPTER 1137.

1867.

AN ACT to incorporate the North Middletown and Owingsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all who may subscribe stock towards the construction of a turnpike, beginning at a point between F. W. Houston's, on the North Middletown and Levee turnpike, and Wm. Work's hill, on the North Middletown and Mt. Sterling turnpike, in Bourbon county; running thence by the most practicable route to Plumb Lick creek, on the lands of Joel S. Berry; thence by the most practicable route to the turnpike connecting Mt. Sterling and Sharpsburg, or to a proposed route of a turnpike near Rogers' Mill, in Montgomery county, are hereby created a body corporate, under the name of "The North Middletown and Owingsville turnpike road company;" and by that name shall have perpetual succession; contract and be contracted with, sue and be sued; and the said body-politic shall have all the rights and privileges granted to the North Middletown and Winchester turnpike road company by its act of incorporation; and all of the provisions of its charter are made applicable to the corporation hereby created, as fully as if set forth at large herein, except the provision requiring a specified width of metal.

§ 2. Joel S. Berry and F. W. Houston, as commissioners, shall open books for the purpose of obtaining subscriptions of stock for said road, giving ten days' notice thereof, by written notices posted in North Middletown and elsewhere; and may close and open the same at pleasure; and when two thousand dollars of stock shall have been subscribed, said commissioners shall, by like notice, require the stockholders to meet at a designated place in North Middletown for the purpose of choosing five directors to manage the affairs of said company, who shall hold their office for one year, and until their successors are chosen and qualified.

§ 3. The county courts of Bourbon, Bath, and Montgomery, at any regular term thereof, a majority of the justices of the peace in commission being present and assenting, may subscribe stock to said company not exceeding the rate of one thousand dollars per mile of the road in the respective counties; and shall have power to levy an *ad valorem* tax on all the taxable property in the county, to be collected as other county taxes ordinarily are.

§ 4. This act shall take effect from its passage.

Approved January 26, 1867.

1867.

CHAPTER 1138.

AN ACT to incorporate Ashland and Catlettsburg Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That D. D. Geiger, Mordecai Williams, L. T. Moore, John Means, H. H. Kenner, Joseph Patton, H. C. Gartrell, and George N. Brown, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Ashland and Catlettsburg turnpike company;" and by the said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

Route of road.

§ 2. The said company is hereby authorized and empowered to construct a turnpike or macadamized road from the upper limits of the town of Ashland to the lower part of Catlettsburg, on the line of incorporation of said town in Boyd county, to run the most direct and practicable route; and in order to raise the funds necessary to construct the same, shall have power to raise a sum by the issue and sale of the capital stock, not to exceed twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Books for sub-
scription of
stock may be
opened.

§ 3. That the books for the subscription of stock shall be opened in the towns of Ashland and Catlettsburg, and such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; and they shall provide a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: We whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Ashland and Catlettsburg turnpike company, the sum of twenty-five dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company; and when the president and directors shall be chosen as hereinafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock herein authorized is subscribed, or so much thereof is subscribed as will insure the completion of said road.

President and
directors to be
elected.

§ 4. That as soon as a majority of said commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an elec-

tion for president and five directors, who shall hold their office for one year, and until their successors are chosen. In choosing the president and directors, each stockholder shall have one vote for each share of stock subscribed: *Provided*, That should a vacancy occur in the office of president, the directors shall choose a president from their number to fill the unexpired time of such vacancy: *And provided further*, Should a vacancy occur in the office of director, the remaining directors shall fill the same by appointment of some of the stockholders of said company; and should the office of all the directors become vacant, any three stockholders may call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer, and such other officers as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall execute a bond, with approved security, to the said company, for the faithful performance of the duties of his office, and for the paying over and disbursing the funds of said company as may be directed by the president and directors thereof.

§ 5. That the said corporation shall have the power to acquire, hold, or sell real and personal estate, as the same may be deemed necessary in the construction of said road, and to do all other acts and things necessary in the exercise of the powers expressly conferred.

§ 6. That the said corporation is authorized to use so much of the right of way as will suit for the construction of said road, as is now used by the present road from Ashland to Catlettsburg; that the entire width of said road shall not exceed forty feet; and if the said corporation shall determine to macadamize the same, that part macadamized shall not exceed twenty feet; and when said road is completed in either manner authorized by this act, the directors shall call upon two justices of the peace residing near the said road in Boyd county, and not interested therein, to examine the same; and if they shall, by a written statement, to be filed with the county court of Boyd county, in which said road is located, certify that the same is done in a good and substantial manner, then the said company may erect toll-gates, not exceeding two, on the said road, at such place or places as the board of directors may direct; and may charge and collect from the persons traveling or using the same the following rates of toll, viz: For every twenty head of hogs or sheep or other small stock, ten (10) cents; for each head of cattle, three (3) cents; for each horse, mule, or ass, led or driven, five cents; for each person on horseback, five (5) cents; for each wheeled vehicle, if drawn by one horse, ten (10) cents, and five cents for each additional horse attached thereto; for each four-wheeled pleasure carriage, if drawn by one

1867.

Vacancies—
how filled.

Secretary,
treasurer, and
other officers to
be appointed.

May acquire &
hold real and
personal estate.

May use right
of way of pres-
ent road.

Width of road,
&c.

When may
erect toll gates.

Rates of toll.

1867. horse, fifteen (15) cents, and five cents for each additional horse attached thereto; for each cart with a burthen, fifteen (15) cents, and without a burthen, ten (10) cents; for each four-wheeled wagon or carriage of burthen, if drawn by one horse, fifteen (15) cents, and five cents for each additional horse or animal attached thereto; and for each sleigh, if drawn by one horse, ten (10) cents, and five cents for each additional horse or animal attached thereto.

Who exempt
from paying
toll.

§ 7. That the ministers of the gospel shall be exempt from tolls on said road; children going to and returning from school, persons going to and returning from church on the Sabbath day, and all funeral processions, shall be exempt from paying tolls on said road.

§ 8. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be part hereof.

§ 9. That this act shall be in force from its passage.

Approved January 26, 1867.

CHAPTER 1139.

AN ACT to incorporate a Turnpike Road from Mitchellsburg, in Boyle County, to the Town of Liberty, in Casey County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, to construct a road on the macadamized plan from the town of Mitchellsburg, in Boyle county, to the town of Liberty, in Casey county, upon the most practicable route between the two points above named, and to be called and known by the name of the Mitchellsburg and Liberty turnpike company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, and have and use a common seal, and alter or amend the same at pleasure.

§ 2. That the capital stock shall be \$50,000, divided into shares of fifty dollars each, and each share shall entitle the holder to one vote in all meetings or elections of the stockholders.

§ 3. That J. P. Mitchell, Garret Clarkson, and Wm. G. Goode, at Mitchellsburg, at the house of ———, on the Big South Fork, and Col. Frank Wolford, in the town of Liberty, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at the above named places at such time as said commissioners may deem expedient; and so soon as four thousand dollars is subscribed by individuals, companies, or corporations, they shall give ten days' notice by printed bills, posted at the public places in the vicinity of the line of

road, to the stockholders of a meeting for the purpose of electing a president and four directors for said company, and a majority of whom shall be competent to act and do all things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such times and places as the said president and directors, from time to time, may appoint, and who shall continue in office until their successors shall be elected.

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§ 4. That no person shall be eligible as president or director of said company who shall not be the owner, in his own right, of one or more shares of stock in said road; and any president or director ceasing to be the owner of stock in said road, shall cease to be president or director of said company; and said board may, from time to time, appoint and fill all vacancies occurring in their body.

§ 5. The said president and directors shall have the power of appointing a treasurer, gate-keeper, and all other officers or agents deemed necessary to effect the purposes of this act, and to renew the same at pleasure; they shall have the power to require of the treasurer, and all other officers or agents appointed by them, bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such, and containing any other conditions or stipulations which they may require.

§ 6. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligations in said book or books, to-wit: "We whose names are hereunto subscribed do promise to pay the president and directors of the Mitchellsburg and Liberty turnpike company the sum of fifty dollars, for each and every share of stock in said company set opposite our names, in such manner and proportion, at such times as shall be required by the president and directors of said company, and agreeably to the act of the General Assembly incorporating said company. Witness our hands this — day of ———."

§ 7. That said road shall not be cleared less than forty feet wide; the width of the grade shall be twenty-five feet wide, and the metal not less than sixteen feet wide in the central part of the grade, and shall be graded to an elevation not exceeding five degrees in any part thereof. That said president and directors shall have the right, when any five miles of said road is graded according to the provisions of this charter, to erect a gate thereon; and when so erected, the said company shall have the right to demand and collect and receive at said gate half toll on the travel

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and transportation on said road, at a rate of toll not exceeding that now authorized by law on roads made under the general turnpike law of this State.

§ 8. That all the stock subscribed by the citizens of Boyle and Casey counties, shall be applied to the construction of said road in the respective counties.

§ 9. That the president and directors of said road shall have the right and power to acquire the right of way for said road, and of earth, stone, gravel, or timber for its construction, by voluntary cession and release, or by private contract with the land-holder: *Provided however*, If the right of way and materials cannot be had as above indicated, it shall be obtained in the mode and manner prescribed by an act of the General Assembly of the Commonwealth of Kentucky, approved the 22d of February, 1836, for condemning lands and materials for the construction of turnpikes, bridges, &c., and which act of Assembly is here adopted as part of this charter, and to be as effectual as if the same was here inserted at full length.

§ 10. The metal on said road shall be of stone, broken into particles of not more than six ounces in weight, or gravel, and shall not be less than sixteen feet wide and nine inches deep; and when five continuous miles of any part of said road is completed, the president and directors may erect a gate thereon, and demand, collect, and receive toll for travel and transportation, at a rate not higher than is allowed by the general law of Kentucky regulating tolls upon turnpike roads.

§ 11. When any stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, attested by the secretary, to give such stockholder a certificate of his stock.

§ 12. This act to take effect from its passage.

Approved January 26, 1867.

CHAPTER 1140.

AN ACT for the benefit of Jonathan Lewis, late Sheriff of Harlan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jonathan Lewis, late sheriff of Harlan county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect all uncollected taxes and fee bills in his hands for the years of 1857 and 1858, subject to all the rules and restrictions now in force against sheriffs for the collection of taxes and fee bills.

§ 2. This act to take effect from and after date of its passage.

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Approved January 26, 1867.

CHAPTER 1141.

AN ACT to incorporate the Louisville Builders' Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. P. Weiziger, W. C. Hall, E. D. Tyler, Jno. S. Long, Robert Atwood, and Theodore Harris, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the Louisville Building Association; and shall continue until the first Monday in February, one thousand eight hundred and seventy-eight; and by that name are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public or private securities of any kind (not exceeding at any one time the sum of three hundred thousand dollars), and to sell and dispose of the same at any time or in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any other place whatever; also to make and use a common seal, and alter, break, or renew the same at pleasure; also to make and put in execution such by-laws as may be convenient for the government of said corporation, not contrary to law.

§ 2. The capital stock of this company shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any of them, shall, within twelve months from the passage thereof, open books for the subscription of stock, and when one thousand shares shall have been subscribed for, they shall give notice of a meeting of the subscribers, when ten dollars per share shall be paid on each share subscribed for. The corporators herein named, or any of them, who shall fail to subscribe and pay for stock, shall not be members of the association.

§ 4. As soon as ten dollars per share has been paid in in cash on the stock subscribed for, the subscribers shall appoint a meeting for the election of directors.

§ 5. The business of this association shall be managed by seven directors (a majority of whom shall constitute a quorum for the transaction of business), to be chosen by the stockholders, and no director shall hold less than twenty-five shares of stock. The first board of directors

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shall serve until the first Monday in February next succeeding, or until their successors are chosen; and on the first Monday in each February thereafter, elections of directors shall be held under the superintendence of three stockholders, not directors, who shall be appointed by the board of directors for that purpose.

§ 6. Voting shall be by ballot, and may be by proxy, each share of stock counting one vote; and a majority of the votes cast being necessary to an election.

§ 7. The board of directors shall choose one of their number for president, and may employ what other agents or servants they may deem necessary to conduct the business of the association, and compensate them therefor.

§ 8. Whenever the sum of ten thousand dollars shall have been paid in, and the further sum of ninety thousand dollars shall have been secured to the satisfaction of the president and directors, they shall have full power and authority to purchase real estate, and erect or contract for the erection of buildings thereon; to borrow money if not in excess of the cash capital paid in, and receive deposits of cash to be applied to the purchase of real estate.

§ 9. But they shall not engage in the traffic of lumber, or in the manufacture of any building material, or in milling, or in any merchandise except that of buying, selling, leasing, and renting real estate, and erecting buildings thereon.

§ 10. Transfers of stock shall be made only by consent of the board of directors; and a lien is hereby created in favor of the corporation on the stock of each stockholder for any claim the company may have for the unpaid part of his stock, or for other debts due or arising to said company from him.

§ 11. The Louisville chancery court is hereby authorized to forfeit the charter of this association if at any time it should cease to do or transact a legitimate business as a building association.

§ 12. If, from neglect or other causes, elections should fail to be held on the days herein designated, such failure or neglect shall by no means work a forfeiture of this charter, or dissolve this corporation; but elections subsequently held by competent authority, and in regular manner, shall be deemed valid as though held on the days herein designated.

Approved January 29, 1867.

CHAPTER 1142.

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AN ACT to amend the charter of the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the police court of Harrodsburg shall have exclusive jurisdiction of all offenses committed within the limits of said town, where the penalty does not exceed one hundred dollars, or twenty days' imprisonment.

§ 2. That the board of trustees of said town shall have the right to grant coffee-house license to any person to keep a coffee-house in the limits of said town; said board shall have the right to demand such tax for coffee-house license as they deem proper: *Provided*, No license to keep a coffee-house shall be granted until the applicant shall have paid the State tax, executed the bond, and taken the oaths now required by law: *Provided further*, That any person who has already paid the State tax, taken the oaths, and executed the bonds required by law, shall not be required to pay any additional tax until the renewal of his license.

§ 3. If any person authorized to keep a coffee-house, shall permit or suffer any gaming or betting in any house or room under his control, and which is used or kept as a coffee-house, such coffee-house keeper shall, for each offense, be fined one hundred dollars, and forfeit his license.

§ 4. The board of trustees of said town shall have the same authority to suppress or suspend the license of any coffee-house keeper granted by them, as county courts have over tavern-keepers and tavern license.

§ 5. At the same time that by law an election is held for police judge of the town of Harrodsburg, there shall be an election of a town attorney, said attorney to be elected by the qualified voters of said town, and to hold his office for the same time as the police judge; said attorney, for compensation, shall be entitled to one third of the fines and forfeitures upon which judgments are recovered in said court: *Provided*, That in all cases where the fine exceeds twenty dollars, or ten days' imprisonment, there shall be taxed as a part of the costs a fee of five dollars.

§ 6. When the fine exceeds ten dollars, or five days' imprisonment, the defendant shall be entitled to an appeal to the circuit court, upon giving bond for his appearance in the circuit court, and the payment of the judgment and costs of the police and circuit court.

§ 7. This act shall take effect from its passage.

Approved January 29, 1867.

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CHAPTER 1143.

AN ACT to incorporate the Evansville, Henderson, and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That George M. Priest, J. T. Boyle, E. G. Sebree, John P. Campbell, jr., and Dabney O. Day, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of "The Evansville, Henderson, and Nashville railroad company," with all the powers and authority incident to corporations, and such as are vested and created by this act.

Name and style. § 2. That the said Evansville, Henderson, and Nashville railroad company is hereby authorized and empowered to construct and operate a railroad, with single or double track, and necessary side-tracks, turn-outs, switches, and appendages, from the city of Henderson, on the Ohio river, and in the State of Kentucky, to the line of the State of Kentucky and Tennessee, in the direction of Nashville, in Tennessee; the said railroad to strike the said State line at such point in the general direction of the city of Nashville as the president and directors of the said company, or a majority of them, may determine; and the said company are authorized and empowered to purchase from any railroad company, person or persons, any railroad track, road bed, right of way, rails, and other material and franchises, necessary to construct the said road; and may make contracts for running and operating their road jointly with any other road that the president and board of directors may deem proper and necessary. The said company are authorized and empowered to receive from the State of Indiana any and all necessary franchises, rights, and aid to construct a road from some point opposite Henderson, in the State of Kentucky, or from such point as may be deemed most eligible, as nearly opposite said town as may be practicable, to the city of Evansville, in the State of Indiana; and they are authorized and empowered to contract with the State of Tennessee, or any railroad company, or both, to purchase or run and operate any railroad in the State of Tennessee, on such terms as the contracting parties may agree.

May purchase railroad track, &c. § 3. The said company in and by their corporate name of "The Evansville, Henderson, and Nashville railroad company," may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts; with power to acquire, hold, and use all such real estate and fixtures and personal estate as shall or may be necessary to construct and operate their road; and may have and use a common seal, and alter and renew the same at pleasure; and shall

May receive franchises from the State of Indiana.

Corporate powers.

have, use, and exercise all the powers, rights, and privileges, which other railroad corporations in this State may lawfully have, enjoy, and exercise; and shall have perpetual succession of members by the name and style aforesaid.

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§ 4. The capital stock of the Evansville, Henderson, and Nashville railroad company shall be (\$2,000,000) two millions of dollars, divided into twenty thousand (20,000) shares, of one hundred (\$100) dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors by their by-laws may direct. The said corporation is authorized to receive subscriptions or other aid from any State, corporation, or individuals; and may receive donations or subscriptions in land for stock, and receive conveyances for same, which may be conveyed and sold by the said company for the benefit and use of said company, as the parties thereto may agree.

Capital stock.

§ 5. The business and affairs of the said corporation shall be managed by a board of five directors, one of whom, chosen by a majority, shall be president, all of whom shall be stockholders. The first board of directors shall consist of George M. Priest, J. T. Boyle, E. G. Seabee, John P. Campbell, jr., and Dabney O. Day, who shall continue in office one year, or until their successors are elected by a majority in interest of the stockholders. If any director declines to serve, or refuses and fails to serve, a majority of the others may fill the vacancy by appointing or choosing some one else. A majority of said board of directors may adopt such by-laws and rules for the regulation and management of the business and affairs of the corporation as they may deem proper, not inconsistent with the Constitution and laws of this State and of the United States. The said board of directors, or a majority of them, may open books of subscription, and any of them may receive subscriptions to the capital stock of said company herein incorporated, at such times and places, and on such notices as they may deem proper, and continue to open books of subscription from time to time, in or out of this State, as they may deem proper, until the whole amount of the capital stock may be subscribed; and as soon as one hundred thousand (\$100,000) dollars shall be subscribed to the capital stock, the said directors, or any of them, may give notice to the several stockholders of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office as provided herein. The board of directors of the stockholders may fill all vacancies in the said board which happen by death, resignation, or otherwise, and may increase the members of the board of directors to a number not exceeding nine, and may make calls upon subscriptions of stock

Who to manage affairs.

First board of directors—their powers & duties.

May open books for subscription of stock.

When new board to be elected.

Vacancies.

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for payment, as they deem proper, not exceeding ten per cent. for every thirty days.

Annual report
to be made.

May make
by-laws.

§ 6. The president and board of directors shall, once in every year at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders; and the board of directors may enact by-laws for the regulation of the duties and powers of the officers and agents of the company, as provided herein, and make all needful rules and by-laws for the regulation of election of officers, and appointment or election of officers, agents, and servants, and define their duties and limit their powers, and fix their salaries and compensation; and make all other by-laws as will best secure the faithful and effective performance of all the duties devolving on the officers, agents, and servants of the company by this charter, or the by-laws of the company. All by-laws not made by the stockholders or under their instructions, shall be reported to a general or called meeting of the stockholders, and, if disapproved by a majority in interest of the stockholders, shall cease to continue in force as by-laws of the company.

May purchase
and hold lands,
&c., necessary
for road.

§ 7. The said company may take by gift or purchase, and hold in fee simple or for a term of years, any lands, tenements, hereditaments, or personal property necessary for the said road and its appurtenances, in the construction or operation of said road, or for shops, offices, depots, stations, warehouses, machine shops, and repair shops, or for procuring stone, timber, and other material necessary for the construction and repair of the road, and rolling stock and buildings to be used by the said railroad company.

How right of
way, &c., ac-
quired.

§ 8. That all lands for rights of way, depots, stations, and other necessary purposes for the said railroad company, may be acquired as provided in sections five (5), six (6), seven (7), and eight (8), of an act, entitled "An act to amend the charter of the Louisville and Frankfort railroad company," approved March 24th, 1851; and the said sections are made part hereof.

Examination
and survey of
route to be
made.

§ 9. The president and directors, or a majority of them, shall have power to cause such examinations and surveys to be made for the routes of said railroad as they may deem necessary to the selection by them of the most advantageous lines, courses, routes, or ways for said railroad, and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

May borrow
money.

§ 10. The board of directors, or a majority of them, by, and with the assent of the stockholders at any general or called meeting, shall have power, and are authorized to borrow not exceeding two millions (\$2,000,000) of dollars,

at an interest not exceeding eight per cent. per annum, and may issue the bonds of the said company, to be executed by such officers, and in such manner, as the board of directors specify and direct, and payable at such times and places as they may order; but no bonds or notes shall be issued to circulate as bank notes; and they may pledge and mortgage the road, and any other property owned by them, including superstructure, rails, ties, rolling stock, and all other property owned by them, whether real, personal, or mixed, together with their franchises, rights of way, and effects, to secure the payment of the money so borrowed; and to render same effectual, may convey same in trust to such person or persons as they may designate, to be held in trust, and sold to secure and pay the money so borrowed and the interest thereon.

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§ 11. It shall be lawful for any State, county, or city, or incorporated town, situated upon or interested in building the line of the Evansville, Henderson, and Nashville railroad company, hereby chartered, to subscribe to the capital stock of said company, or lend its credit to said company, payable in such manner and upon such conditions as shall be proposed or accepted by said company; and the said State, county, city, or incorporated town, shall be entitled to all the rights and privileges of other stockholders, in proportion to their stock.

Who may subscribe stock in company.

§ 12. Upon the application of said company, the county court of any such county, or the trustees or city council of any such town or city, shall, within thirty days' thereafter, cause a vote of the legal voters of such county, town, or city, to be taken at the several precincts therein, to ascertain whether the voters of such county, town, or city are in favor of such subscription or loan; and it shall be the duty of the county court or trustees, or city council aforesaid, to cause at least twenty days' notice to be given of the day upon which such vote will be taken, and of the proposition to be voted on, whether to subscribe to the capital stock of or make a loan to said company, and the amount so proposed to be subscribed or loaned; and it shall be the duty of the county court of such county, or the trustees of such town, or the mayor of such city, in due time to appoint the judges and other officers necessary to conduct such election; and such election shall be held as all other general elections, and the returns thereof shall be made within ten days after such election shall have been held, to the county court of such county, or to the trustees of such town, or to the mayor and council of such city: *Provided*, That the amount so subscribed or loaned shall not exceed one tenth of the assessed value of the taxable property in such county, town, or city, including the amount given in under the equalization laws.

Vote to be taken upon subscription by city or county. &c.

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When poll
books to be ex-
amined.

§ 13. That at the next term of said county court, or at the next meeting of said city council or trustees, after the expiration of the ten days' aforesaid, or after the return aforesaid, the poll books of such election shall be examined, and the vote for and against such subscription or loan, shall be entered of record upon the record books of said county court, or of said trustees, or of said city council.

Subscription
to be made
upon majority
voting in favor
of same.

§ 14. That if, in any such election, a majority of the legal voters in any such county, town, or city, shall appear to be in favor of such subscription or loan, it shall be the duty of the judge of said county court, or the trustees of said town, or the mayor and council of said city, forthwith to cause such subscription or loan to be made in the name of such county, town, or city, and in accordance with the vote aforesaid: *Provided*, That if such proposition to subscribe or loan as aforesaid be submitted at a general election of State officers, then, and in that event, if a majority of all the votes cast for and against said proposition be found in favor of it, said subscription or loan shall be made as hereinbefore required.

Bonds m
be executed
subscription of
stock.

§ 15. That when any such subscription to the capital stock of, or loan to said company shall have been ordered as aforesaid, bonds shall be executed in the name of and under the seal or scroll of said county, town, or city, as the case may be, in such form and to such amounts (not exceeding the amount of such subscription or loan), and payable at such places and times, and bearing interest payable semi-annually, at such rates (not exceeding seven per centum per annum), as the president and directors of said company may elect; and when such subscription or loan shall have been made in the name of any county, said bonds shall be signed by the judge of the county court of said county, and countersigned by the clerk thereof; and when made in the name of any town, such bonds shall be signed by the chairman, or a majority of the board of trustees thereof; and when made in the name of any city, they shall be signed by the mayor thereof, and countersigned by the auditor thereof, if there be one, and if there be none, they shall be countersigned by the clerk of the council thereof.

Bonds to be
delivered to
president and
directors when
executed.

§ 16. That when so executed and signed, said bonds shall be delivered to the president and directors of said company, and they may be by them indorsed, negotiated, and hypothecated, or sold upon such terms, at such rates of discount, and at such times and places, as may, by said president and directors, be deemed expedient.

§ 17. That in case of any loan of credit to said company by any county, town, or city, as hereinbefore provided, such loan may be made by the issue of the bonds of such county, town, or city, as hereinbefore provided, or by the indorse-

ment by said county, town, or city so loaning, of bonds issued by said company, as said president and directors may elect.

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§ 18. That when any such subscription, loan, or indorsement shall have been made, as hereinbefore provided, it shall be the duty of the county court or trustees, or city council of such county, town, or city so subscribing, loaning, or indorsing, to levy annually a direct tax upon all the property, real and personal, in such county, town, or city, sufficient to pay the interest when due, and the principal thereof within the time said bonds are made due and payable, so issued for subscription or loan, or so indorsed.

Taxes may be levied to pay interest and principal of bonds.

§ 19. That it shall be lawful for any election district, or the legal voters thereof, through which the road may be located, to petition the county judge of their county, by written petition, signed by the said voters, to subscribe to the capital stock of said company, for such sum as they may fix in their said petition, and on such conditions as may be accepted by said company, to be paid by a tax to be levied upon the taxable property of the said election district, real and personal, that may be subject to taxation under the general revenue laws of the State; and on the said petition being made and signed by one half of the legal voters of said district, the county judge of said county shall subscribe the sum proposed, if accepted by said company, in the name of the said district, and assess and levy an equal *pro rata* tax upon the property-holders of the district, and order and require the sheriff or tax collector of said county to collect the same, with sufficient sum to pay the ordinary commission for collection, and to deliver receipts to the persons so paying, which receipts, when amounting in the aggregate to one hundred (100) dollars, shall entitle the holder or holders thereof to one share of the capital stock of said company; and the said tax shall be collected in pursuance with and according to the laws in force for collection of the revenue; but before the county judge of any county shall make any such subscription for any district as hereinbefore provided, he shall give printed notice that such petition has been made, and the terms and conditions thereof, for at least thirty days' at the place of voting in said district, and such other places as he may deem proper, in said district; and if, at the expiration of thirty days, a remonstrance signed by one half of the legal voters of said district, and who have not before signed the petition, shall be presented to the said county judge, he shall refuse to make the subscription and levy the tax herein provided; but upon no such remonstrance being filed with said judge within the time above prescribed, he shall, immediately after the expiration of the thirty days, make said subscription and levy said tax, and

Election districts, &c., may subscribe stock—how.

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order its collection ; and, when collected, the sheriff or tax collector shall pay the same to the treasurer of said company, or such officer as the board of directors may designate, and file the receipt for same with the county judge, who is required to keep a record of the proceedings in such case.

Preferred

§ 20. That the president and directors of said company may, if necessary, issue a preferred stock to an amount not exceeding one half of the capital stock of said company, with such priority over the remaining stock in the payment of dividends as they may determine, and shall be approved by a majority in value of the stockholders: *Provided*, That any preferred stock shall draw dividends according to the terms of the issue; but in all cases the company shall allow interest in the form of assignable certificates, reducible in stock on all payments for stock, from the time of making such payments until an equivalent dividend on the stock shall be declared.

May declare dividends.

§ 21. That the president and directors of said company shall annually or semi-annually declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the expenses current and probably contingent; and shall divide the same amongst the stockholders of the said company, in proportion to their respective shares.

Rates of fare, &c.

§ 22. That the said company are authorized to receive such tolls, fares, tariffs, and rates of charge as is allowed to be charged, received, and collected by the Louisville and Nashville railroad company, and other railroads in this State, for the transportation of persons, live stock, and all other property and freights over their said railroad; and the said railroad company shall pay such taxes to the State upon their road, stock, and other property, as is paid by other railroad companies in this State; but no tax shall be required to be paid until the said company shall have completed their road from Henderson to the Tennessee State line.

May build bridge across Ohio river.

§ 23. That the said Evansville, Henderson, and Nashville railroad company shall have the right and authority to build and erect a bridge over the Ohio river at Henderson, or the nearest practicable and convenient point thereto, subject to the same conditions and restrictions as are imposed on other companies which have been authorized to construct similar bridges over the Ohio river.

May use steamboats, &c.

§ 24. That the said railroad company may have and use, or jointly with any other corporation or person or persons, may have and use, one or more steamboats, or ferryboats, for the purpose of carrying passengers and freight to and fro from Henderson to Evansville, or intermediate points; or may contract with any corporation, or person or

persons, to operate and run a boat or boats between said points for said purpose.

§ 25. That the said company shall not be allowed any banking privileges, and shall not issue notes or bonds to be circulated as money or bank notes.

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No banking
privileges al-
lowed.

§ 26. That this act shall be in force and take effect from its passage.

Approved January 29, 1867.

CHAPTER 1144.

AN ACT to amend the Charter of the town of Brooksville, Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the town of Brooksville as authorizes the trustees thereof to grant a license to any one to keep a coffee-house or tippling-house in said town, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1145.

AN ACT to incorporate the First German Methodist Episcopal Church of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. N. Wexelberg, Timothy Hinneman, H. Feltman, the present trustees of the First German Methodist Episcopal Church in Covington, Kentucky, and their successors in office, and the officers and members of said church, be, and they are hereby, created a body corporate, by the name and style of the First German Methodist Episcopal Church in Covington, Kentucky; and by that name to have perpetual succession; and may purchase, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding one hundred thousand dollars in value, and the same to hold for the only use of said church, according to the discipline and economy of the same; and to sell, convey, or otherwise dispose of the same, as also of the present church property and parsonage on Craig street; to have and exercise all the powers necessary for and incident to religious corporations, not inconsistent with the Constitution and laws of the United States or the State of Kentucky; and by that name contract and be contracted with, sue and be sued, plead and be im-

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pleaded, so far as may be necessary to protect the property and rights, titles, privileges, and immunities of said church; and to use and employ said property solely for the use and purpose of carrying out and prosecuting the religious duties of said church.

§ 2. That said trustees hereby appointed shall continue in office for one year, and until their successors are elected or appointed, which shall be done according to the discipline and use of the Methodist Episcopal Church of the United States; and vacancies shall be filled in the same manner, from time to time, as they may occur.

§ 3. That a majority of the trustees shall constitute a quorum to do business; they shall appoint from their number a chairman and secretary; all transfers, conveyances of property by the church, and all written contracts, shall be signed only by the said chairman and secretary, and such conveyances shall pass the entire title of the church; they shall keep a full record of all their proceedings, which shall at all times be open to the inspection of the officers and members of said church.

§ 4. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1146.

AN ACT for the benefit of the Trustees of the Baptist Church of Christ, at Viney Fork, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Madison Todd, William F. Berry, and Henry C. Broaddus, the trustees of the Baptist Church of Christ, at Viney Fork, in Madison county, be, and they are hereby, authorized to sell and convey the upper story of said church, and that the title conveyed by them shall be valid; that the proceeds of said sale, when collected, shall be held by the said trustees, or expended by them, for the benefit of said church.

§ 2. This act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1147.

AN ACT allowing the Trustees of the Town of Bowling Green to convey a portion of Washington Street.

WHEREAS, The board of trustees of the town of Bowling Green have sold to the Louisville and Nashville railroad company that part of Washington street on which said railroad company's round-house stands, a distance of about

four hundred and twenty feet, for the sum of one thousand dollars; and whereas, the said board of trustees have swopped to Jas. M. Herdman about two hundred and fifty feet of said Washington street for an equal number of feet of said Herdman's ground lying adjoining the branch railroad running from the Louisville and Nashville railroad depot to the old Portage railroad depot at river, and which street is graded and paved and now in use as a street; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said board of trustees of the said town be authorized to make a deed of conveyance to said railroad company and to said Herdman [of] the portions of Washington street above named, and said trustees receive a deed from said Herdman for the benefit of said town to said land swopped by said Herdman to said trustees.

§ 2. This act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1148.

AN ACT to incorporate the Sisters of the "Good Shepherd" of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Mary Ignatius Ward, Mary T. Raymond, Mary F. Siebert, Mary Peter Brady, and others, the present Sisters of the Good Shepherd of Louisville, Kentucky, and others, their successors, be, and the same are hereby, constituted a body-politic and corporate, by the name of "The Sisters of the Good Shepherd of Louisville;" and by that name shall have perpetual succession; and are empowered and rendered capable to receive by gift, grant, purchase, or devise, real estate and personal property, not exceeding two hundred thousand dollars; and they may sell, exchange, convey, transfer, and assign the same at pleasure; and may form and adopt a constitution and by-laws, not inconsistent with the laws and Constitution of this Commonwealth and of the United States, for the government of said sisterhood and for the regulation of their affairs.

§ 2. The said Sisters of the Good Shepherd may sue and be sued by their corporate name, and in all suits against them, the service of process on the Mother Superior, and, in her absence, on the person acting in her stead, shall be sufficient.

§ 3. This sisterhood shall be an association for reclaiming and reforming magdalens, furnishing them with a home and employment, and for the sale of the product of their labor and the labor of said sisterhood, and to carry on their

1867. industrial and boarding school, and for other benevolent and Christian objects.

§ 4. This act to take effect from its passage. The Legislature reserves the right to alter or repeal it at pleasure.

Approved January 29, 1867.

CHAPTER 1149.

AN ACT for the benefit of Henry Fry, of Boone County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury in favor of Henry Fry, of Boone county, for the sum of forty-four dollars and forty-eight cents, being in full of expense incurred in taking Hiram Fry, a lunatic, to the Eastern Lunatic Asylum.

§ 2. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1150.

AN ACT to amend the Charter of the United Life, Fire, and Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the shares of stock of the United Life, Fire, and Marine Insurance Company shall be assignable and transferable by authority of the owner, upon the books of the company; and the board may adopt such rules and regulations in regard thereto as may be deemed right and proper by them; such transfers to be subject to the lien of the company for all indebtedness to it by the holder; and, in addition to the ordinary fire and marine insurance, said company may also insure against loss or damage from lightning, tornado, or any other risk or hazard.

§ 2. A majority of the board of directors shall constitute a quorum for the transaction of business; and no person shall be eligible to, or hold the office of president, vice president, or director of said company, except stockholders; and in all elections by the stockholders, the owner shall be entitled to one vote for each share of stock held by him: *Provided*, That no stockholder who is indebted to the company upon any claim or demand over due, and not paid, shall be entitled to vote unless this disability shall be dispensed with or removed by the action of the board; said board shall also appoint one of their number vice president, and may prescribe his powers and duties, and may require

1867.

him to co-operate with the president in the conduct and management of the business and affairs of the company; and he shall perform the duties of president in case of the death, resignation, sickness, protracted absence, or inability of the latter; and in case of death or resignation of the president or vice president, the board may fill the vacancy out of their number for the balance of the term. In case a vacancy shall occur by death or otherwise in the board of directors, the same may be filled by vote of the majority of the remaining members of the board, or otherwise by a special election of the stockholders to be called by the board; and in the meantime the remaining members shall constitute the board of directors; and in case the annual election for directors by the stockholders shall, from any cause fail, the same may be held at any subsequent time upon call and public notice thereof by the board.

§ 3. The president and any two directors, to be selected by him, subject to removal by the board, shall constitute a standing committee, a majority of whom shall constitute a quorum, with power to transact and order all business of the company when the board of directors is not in session, and which is not contrary to the rules, regulations, and by-laws of the board, and may require the secretary of the company to keep minutes of their proceedings; said committee shall also preside at all elections by the stockholders, and perform the duties of judges and inspectors thereof: *Provided*, That should said committee fail or refuse to act as such judges and inspectors, then the board shall appoint others to act as such for the election then to be held; in case of any vacancy occurring in said standing committee, the president shall fill the same in like manner as before.

§ 4. This act shall be in force from and after its passage, and any portion of said charter which is inconsistent herewith is hereby repealed.

Approved January 29, 1867.

CHAPTER 1151.

AN ACT to incorporate the Henderson Fair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present Fair Company in the county of Henderson, represented by John Funk, president, and E. W. Worsham, vice president, and Geo. M. Priest, N. C. Howard, Wm. M. Lockett, John S. McCormick, John Rudy, John N. Lyle, and H. F. Turner, directors, be, and the same is hereby, created a body corporate and politic forever, with succession for thirty years, under the name and style of "The Henderson Fair Company;" with power to

Corporators'
names, and cor-
porate powers.

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sue and be sued in all courts, contract and be contracted with; and shall be capable of acquiring, by purchase or otherwise, real and personal estate, not exceeding in value one hundred thousand dollars (\$100,000), and hold and enjoy the same, together with any and all such property and estate as they now own and possess; that they may improve, sell, and convey the same, or any part thereof, at pleasure; they shall have and use a seal, which may be altered, changed, or renewed at the pleasure of the directory.

Stockholders.

How stock divided.

May open books for subscription of stock.

§ 2. Said company shall consist of the present stockholders, each of whom shall own at least one share of capital stock; the shares of stock shall be twenty-five dollars each, which shall be represented by certificates signed by the president, and countersigned by the treasurer; the directory may, from time to time, open new books of subscription for stock, and may issue certificates therefor; whenever the shares subscribed are fully paid into the treasury they shall be real property, and shall be deemed as such, and may be assignable on the books of the company.

Officers of corporation.

§ 3. The officers of said company shall consist of one president, one vice president, and eight directors, to be chosen by the stockholders at their annual meetings, as follows: On the last Saturday in March, 1867, there shall be chosen, by a majority of all the votes of the company, one president, one vice president, and eight directors; the president and vice president shall each hold their office until the next regular annual election, and until their successors are duly elected and qualified. The eight directors shall, at their first meeting after their election, determine by lot which four shall hold for one year, and which four for two years; and then, at every annual meeting thereafter, four directors shall be chosen as aforesaid, who shall hold their office for two years, so that one half of the directors shall be chosen in each year. The directors may fill vacancies in their body by election, and may also, for cause, select one of their number as president or vice president *pro tem*. The directors shall appoint a treasurer, secretary, and such other officers as they shall deem necessary, who shall hold their office during the will of the board of directors, and perform such duties as the directory may order. After the first general election as aforesaid, in March, 1867, there shall be an annual election on the second Saturday in January of every year for president, vice president, and four directors.

Eligibility of officers.
Secretary and treasurer to give bond.

§ 4. No person shall be eligible to the office of president, vice president, director, treasurer, or secretary, who is not a stockholder. The secretary and treasurer shall each execute bond, with good security, for the faithful perform-

ance of their duty, to be approved by the directory; and for a breach of said bond, suit may be instituted thereon against the principal, and all or any of the sureties, in the Henderson circuit court.

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§ 5. The directors shall hold a regular meeting on the second Saturday in each month, and called meetings as often as may be necessary. A majority of the directory elected shall, with the president or vice president, constitute a quorum for business; a less number may meet and adjourn from time to time, and have power to compel other members to meet by such fines as the whole directory may fix by by-laws: *Provided*, That no money shall be appropriated or indebtedness incurred, except by a vote of two thirds of the entire directory, and yeas and nays recorded.

Meetings of corporation.

§ 6. The directory shall be presided over by the president, or, if absent, by the vice president, who shall preserve order, and, when a tie, cast the deciding vote. He shall attend to such other duties as may be required by the by-laws.

President to preside, &c.

§ 7. The board of directors may hold a fair annually at their grounds near the city of Henderson, and oftener if they desire to do so, for the exhibition of stock, agricultural implements, and products, and such other articles as the board of directors may permit to be exhibited, and for the trial of the speed of horses, awarding such premiums as they deem proper.

May hold fairs annually.

§ 8. The board of directors shall have power to make such rules, regulations, and by-laws, as they may deem necessary for the interest and welfare of the fair company, and power to enforce the same; they may fix the rates of entries for exhibiting and gate fees for spectators, and have power to collect the same. The president, vice president, and each of the directors, shall be conservators of the peace, with power to order and cause the arrest of all disorderly persons, to be dealt with according to the laws of the State; they shall have power to appoint as many police or watchmen as they may deem necessary, who shall be sworn to faithfully discharge their duties; they shall have power to arrest all disorderly persons, and to preserve good order, that constables and sheriffs now have.

May make rules, regulations, &c.

President, &c., conservators of the peace.

May appoint police, &c.

§ 9. The votes of the company shall be represented by shares of twenty-five dollars each; but no one person shall have more than six votes, notwithstanding he may hold and own more than six shares.

Stock how represented.

§ 10. The board of directors shall have power to license peddlers and sales of any article and performances upon their ground, except the sale of spirituous liquors, and to restrain all such persons who do not take a license from their company for such purpose.

May license persons to sell on fair grounds.

1867.

How contracts
to be signed.

§ 11. All contracts shall be signed by the president and countersigned by the secretary, and have the seal of the company affixed thereto; and unless so done, shall not be binding upon the company, or their property: *Provided, however,* That the president shall make no contract unless ordered by the directory, and in accordance with the regulations of the fifth section of this charter. The entire property of the company shall be liable for all debts thus incurred; but in no event shall any member of the company be liable beyond the amount of stock held by him.

Service of sum-
mons.

§ 12. Service of summons shall be upon the president acting at the time, or, in his absence, upon the secretary and treasurer.

§ 13. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1152.

AN ACT for the benefit of W. A. L. B. Sharp, late Sheriff of Estill County, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. A. L. B. Sharp, sheriff of Estill county, for the year 1860, and his securities in his official bond for said year, to-wit: Wm. H. Wilson, W. E. McKinny, R. T. Benton, Jno. McKinny, D. R. McKinny, and Oliver Crawford, be, and they are hereby, released from all the damages allowed by law in the judgment rendered against said Sharp and securities in his official bond as sheriff.

§ 2. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1154.

AN ACT to incorporate Pleasureville Lodge, No. 410, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members and those who may hereafter become members of Pleasureville Lodge, No. 410, of Ancient York Masons, of the town of Pleasureville, Henry county, Kentucky, be, and they are hereby, created a body-politic and corporate, by the name and style of "Pleasureville Lodge, No. 410, of Ancient York Masons;" and by that name and style shall have perpetual succession; and be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding such real and personal estate as may

be required for the use of said lodge ; to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they now have, or may hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

1867.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the Master, Senior and Junior Wardens, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal or real estate of said Lodge.

§ 3. That the trustees shall have power to pass such by-laws, rules and regulations, not inconsistent with the Constitution or laws of the United States or of this State, as may be necessary for the safe-keeping of the property and other interests of the Lodge ; and may have and use a common seal, and change the same at pleasure ; and, in conveying real estate, the whole board of trustees shall join in such conveyance.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

§ 5. This act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1155.

AN ACT for the benefit of the Joint Stock Agricultural and Mechanical Association of Madison County.

WHEREAS, It is represented to the General Assembly that, the citizens of the county of Madison are anxious to create an association, under the name and style of the Madison County Joint Stock Agricultural and Mechanical Association, for the purpose of promoting improvements in all the various branches of agriculture, including not only the great staples of industry and trade, but also fruit, vegetables, and ornamental gardening ; the improvement and promotion of the mechanic arts in all their branches ; the improvement of the race of all useful and domestic animals ; the general advancement of rural economy and household manufactures ; and the dissemination of useful knowledge upon those subjects, and for that purpose have chosen a president, three vice presidents, and nine directors, also a secretary and treasurer of said association, and desire an act of incorporation ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. A. Chenault, president of said association, and R. G. Martin, James A. Moran, and John D. Harris,

Corporators' names, and corporate powers.

1867.

vice presidents, Charles S. Turner, J. P. Estill, E. J. Shackelford, Basil Hackett, T. S. Ellis, Clifton Bergin, Joel W. Embry, Wm. K. Denny, and Wm. T. Barnes, directors of said association, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the "Madison County Joint Stock Agricultural and Mechanical Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Madison, in the neighborhood of Richmond, not exceeding fifty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may deem necessary and proper; the said association may adopt and use a corporate seal.

Capital stock.

§ 2. That the capital stock of said association shall be divided into shares of fifty dollars each, to be subscribed for and taken, including the shares already taken and subscribed, agreeable to such rules and regulations as the corporation may direct; each and every one of the before named persons, including the secretary and treasurer of said association, are authorized to receive subscriptions of stock in said corporation, at any time and place they may think proper, and continue to receive the same until a sufficiency is subscribed, not exceeding in the whole thirty thousand dollars, which shall be paid in such calls as a majority of the board of directors may require; and all money and property belonging to the association shall be held by the board of directors in trust for the use and benefit of the same, and the net proceeds distributed among the stockholders according to the amount held by each: *Provided*, That nothing herein contained shall prevent the board of directors from improving the grounds of the association, and making, in their discretion, other necessary appropriations in advancement of the general objects of the association, and may award such premiums as may, in their judgment, be necessary or proper at any fair or public exhibition of said corporation. Transfers of stock in entire shares may be made by the holders thereof, by an entry in writing on the regular stock books of the association, signed by the person or persons transferring the same; but no other person, other than an original stockholder, shall become a member of the association, or entitled to the privileges of a stockholder, without the consent of a majority of the directors. Each original stockholder shall be entitled, in the election of all the officers of said association, at every election thereof, to one vote for each share not exceeding four; but no stockholder shall be entitled to

May award premiums.

Stock may be transferred.

How stock voted.

more than four votes at such elections, which must be given in person. And all suits for or against said association shall be in the name of the president and directors thereof; and service of process on the president for the time being shall be sufficient.

1867.

§ 3. That the president and directors already chosen as aforesaid shall continue in office until the first Monday in May, 1868, and until their successors are duly elected. An election, however, of a president, three vice presidents, nine directors, a treasurer, and secretary, shall be held at the court-house, in Richmond, on the first Monday in May, 1868, by the qualified members of the association, ten days' notice thereof being first given by the president, by written notice posted up at the court-house door in said county, and three other public places therein, and annually thereafter upon the like notice, unless the members of said association shall by resolution fix upon a different day; and they may at any annual election increase or reduce the number of directors as to them may seem best. Any county other than Madison, by which its citizens shall subscribe and pay for as many as twenty shares to the capital stock of the association, may, by its subscribers, at the annual elections, elect one director of the association.

Term of office of present directors.

President and directors to be elected.

Number of directors may be increased.

§ 4. That the prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors thereof, and they shall have power to appoint such officers as they may deem necessary in carrying out the purposes of said association; and they may require of said officers, including the treasurer and secretary, bonds with good security, for the faithful discharge of his or their duty. Said president and directors shall have power to make such regulations and by-laws, not inconsistent with the laws of the United States or of this Commonwealth, as may, in their opinion, contribute to the good order and management of said association, and may, from time to time, modify and repeal the same at pleasure; they shall have power to contract and be contracted with in their corporate name, and do any act not inconsistent with the Constitution and laws of this Commonwealth, which, in their opinion, will contribute to advance the objects and interest of said association.

Who to control and manage affairs.

May make by-laws.

§ 5. Any four members of the directors, together with the president, shall be a quorum for the transaction of any business, unless the association shall fix on or require a different number.

Quorum.

§ 6. That said association, in its corporate capacity (and not otherwise), with all the estate belonging to the same, shall be liable for any debts contracted by it, or by its authority.

Liability.

1867.

No spirituous
liquors to be
sold on grounds

§ 7. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for said fair; nor shall any such liquor, during such time, be sold upon any lot or lane, road, or street adjoining, or within a half mile of the same, under the penalty of twenty-five dollars for each and every such offense, to be recovered by warrant before the police judge of the town of Richmond, or any justice of the peace for Madison county. And each separate act of selling shall be a distinct offense.

§ 8. This act shall be in effect from its passage.

Approved January 29, 1867.

CHAPTER 1156.

AN ACT for the benefit of C. G. Halstead, late Sheriff of Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. G. Halstead, late sheriff of Livingston county, be allowed the further time until the first day of June, 1867, to collect and pay over the revenue of his county for the year 1866: *Provided, however,* That his sureties shall, by the first day of March, go into court and have it entered upon the record that they will stand bound upon his bond, the same as if this extension had not been granted.

§ 2. That this act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1157.

AN ACT for the benefit of W. P. Maddox, Administrator of W. J. Wright, late Sheriff of Trimble County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the administrator, William P. Maddox, of A. J. Wright, late sheriff of Trimble county, Kentucky, be, and he is hereby, allowed the further time of two years to collect and distrain for his uncollected tax and fee bills due him for the years 1861 and 1862, subject to all pains and penalty now prescribed by law.

§ 2. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1158.

1867.

AN ACT for the benefit of the estate of D. L. Miller, deceased, late Sheriff of Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from and after the first day of January, 1867, is allowed to the deputies and representatives of David L. Miller, deceased, late sheriff of Ohio county, to distrain for and collect any unpaid taxes or fee bills due said Miller, during his two terms of office, subject to all penalties now prescribed by law for illegal distraint.

Approved January 29, 1867.

CHAPTER 1159.

AN ACT for the benefit of Francis Catron, late Sheriff of Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Francis Catron, late sheriff of Knox county, is hereby allowed the further time of two years to wind up his business as sheriff, and to collect his uncollected revenue and county levy and fee bills, during which time said Catron, for the purposes aforesaid, is hereby authorized to exercise all the powers of the office of sheriff of said county, and be liable to all the penalties of sheriff.

§ 2. This act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1160.

AN ACT authorizing the Trustees of the Town of Columbia to appoint a Marshal in case of vacancy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Columbia be, and they are hereby, authorized to appoint a town marshal when the regularly elected marshal shall fail to accept, give bond, and qualify after his election, or in case said office shall become vacant hereafter; and the marshal so appointed to remain in office until a marshal shall be duly elected and qualified.

§ 2. That the town marshal of Columbia be, and is hereby, authorized to appoint a deputy; the marshal to be responsible for all his official acts, as a sheriff for the acts of his deputies.

§ 3. This act to take effect from date of passage.

Approved January 29, 1867.

1867.

CHAPTER 1161.

AN ACT amending "An act to punish certain trespasses in Jefferson, Scott, Mason, Kenton, Campbell, and Woodford Counties," approved December 23d, 1861, and extending its provisions to Henry, Bourbon, and Franklin Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of "An act to punish certain trespasses in Jefferson, Scott, Mason, Kenton, Campbell, and Woodford counties," approved December 23d, 1861, be, and the same are hereby, extended to the counties of Henry, Franklin, and Bourbon.

§ 2. For all fines imposed under said act and this amendment, it shall be the duty of the court or justice imposing the fine to issue a *capias pro fine*, in the mode provided by law in other cases.

Approved January 29, 1867.

CHAPTER 1162.

AN ACT for the benefit of James B. Cook, Sheriff of Trimble County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James B. Cook, sheriff of Trimble county, be, and he is hereby, allowed further time till the 10th day of June, 1867, to pay in the remaining revenue due the State for the year 1866, and to return his delinquent list: *Provided*, His sureties go before the county judge of said county and assent to said extension hereby granted.

§ 2. This act to take effect from its passage.

Approved January 29, 1867.

CHAPTER 1163.

AN ACT declaring Sexton's Creek, in Clay County, a Navigable Stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sexton's creek, in Clay county, be, and the same is hereby, declared a navigable stream from its mouth up to and including the mouth of the Upper Boiling Spring branch on said creek.

§ 2. That any person or persons obstructing the navigation of said stream, shall be liable to all the pains and penalties now denounced by law for obstructing general navigation.

§ 3. This act to be in force from its passage.

Approved January 29, 1867.

CHAPTER 1164.

1867.

AN ACT to Charter the Louisville and Greenland Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas T. Shreve, Joseph B. Lilly, John Churchill, Collis Ormsby, U. E. Ewing, and Worden P. Hahn, their associates and successors, are hereby made a corporation for thirty years, by the name of the Louisville and Greenland railway company, with power to construct, maintain, and operate a single track railway, with all necessary and convenient tracks for turn-outs, side-tracks, turn-tables, and other necessary appendages, from the limits of the city of Louisville, on Third street; thence along Third street, as extended, to the Louisville House of Refuge; thence along the National turnpike road to a point opposite the Greenland race-course.

Corporators' names and corporate powers.

§ 2. That the capital stock of said corporation shall be sixty thousand dollars, which shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may prescribe.

Capital stock.

§ 3. The affairs of said corporation shall be managed by six directors and a president, who shall be stockholders in the corporation. The first board of directors shall consist of Thomas T. Shreve, Joseph B. Lilly, John Churchill, Collis Ormsby, U. E. Ewing, and Worden P. Hahn, and thereafter of not less than six directors, who shall be chosen each and every year by the stockholders, at such time and in such manner as the said corporation by its by-laws shall prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill all vacancies which may happen in the board by death, resignation, or otherwise; they may also adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this State.

Who to manage affairs.

First board of directors.

Term of office, vacancies, &c.

§ 4. Said corporation shall have the right to acquire such land or right of way, by writ of *ad quod damnum*, in the same manner that turnpike road companies are authorized by the 103d chapter of the Revised Statutes of Kentucky, which took effect on the 1st day of July, 1852, as may be necessary for laying their track, side-tracks, turn-outs, turn-tables, for car sheds, stables, &c.

May acquire and hold land, &c.

§ 5. In laying their railway track, it shall be so done as not to obstruct the travel of other vehicles, or prevent the flow of water wherever the line of said track runs on, by the side of, or across other public highways.

Track not to obstruct travel.

1867. § 6. The cars to be used upon said track shall be propelled by animal power, or by dummy steam-engines, at the option of the board of directors.
- How cars propelled.
- § 7. The rate of fare upon said road shall not exceed fifteen cents for any distance.
- Rate of fare.
- § 8. The road shall be fully finished and furnished, and put in running order, within three years after the passage of this act, or this charter will be forfeited.
- When to be finished.
- § 9. That this act shall take effect from and after its passage.

Approved January 29, 1867.

CHAPTER 1165.

AN ACT to incorporate the Christian Church at Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Robbins, B. Koen, W. C. Robbins, J. S. Thomas, James A. Gee, and their successors in office, and the officers and members of said church, be, and they are hereby, created a body-politic and corporate, by the name and style of the Christian Church at Mayfield; and by that name to have perpetual succession; and may purchase, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding one hundred thousand dollars in value, and the same to hold for the only use of said church, according to the discipline and economy of the same; and to sell, convey, or otherwise dispose of the same, as also of the present church property of Mayfield; to have and to exercise all the powers necessary for and incident to religious corporations, not inconsistent with the Constitution and laws of the United States or the State of Kentucky; and by that name contract and be contracted with, sue and be sued, plead and be impleaded, so far as may be necessary to protect the property, rights, titles, privileges, and immunities of said church; and to secure any demands due to said church, and to use and employ said property solely for the use and purpose of carrying out and prosecuting the religious interest of said church.

§ 2. That said trustees hereby appointed shall continue in office one year, or until their successors are elected or appointed, which shall be done in the manner and according to such rules as said church may prescribe; and vacancies shall be filled in the same manner, from time to time, as the same may occur.

§ 3. That a majority of the trustees shall constitute a quorum to do business; they shall appoint from their number a chairman and secretary; all transfer and convey-

ances of property by the church, and all written contracts, shall be signed only by said chairman and secretary, and such conveyance shall pass the entire title of the church; they shall keep a full record of all their proceedings, which shall, at all times, be open to the inspection of the officers and members of said church.

§ 4. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1166.

AN ACT to change the time of holding the Court of Claims of Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for the county of Fayette shall be held upon the second Monday of June in each year.

§ 2. All acts or parts of acts inconsistent with this act, are hereby repealed.

Approved January 29, 1867.

CHAPTER 1167.

AN ACT for the benefit of the securities of James B. McWhorter, late Sheriff of Taylor County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the securities of James B. McWhorter, late sheriff of Taylor county, in his revenue bond for the year 1864, be, and they are hereby, released from the payment of the damages adjudged against them on said bond in the Franklin circuit court, they having paid the principal, interest, and costs of said judgment.

§ 2. That the sureties of said McWhorter in his revenue bond for the year 1865, as such sheriff, be, and they are hereby, released from the payment of the damages adjudged against them in the Franklin circuit court on said bond, they having paid the principal and costs of said judgment.

§ 3. That this act is to take effect from its passage.

Approved January 29, 1867.

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CHAPTER 1168.

AN ACT to give immediate effect to the act amending the Charters of the Louisville and Frankfort and Lexington and Frankfort Railroad Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act amending the charters of the Louisville and Frankfort and Lexington and Frankfort railroad companies, passed at the present adjourned session of the General Assembly, shall take effect and be in force from and after the date of its passage.

§ 2. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1169.

AN ACT for the benefit of the Germantown and Hamilton Cross Road Turnpike, and the Dutch Ridge Turnpike, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road tax assessed on the owners of lands adjoining and on the line of the Germantown and Hamilton Cross Road turnpike, and the Dutch Ridge turnpike, in Bracken county, shall be applied to the benefit of said roads to keep the same in repair.

§ 2. It shall be the duty of the road commissioner for Bracken county to furnish each year to the president of said road companies a list of all the persons living on the line of said roads, and liable to be assessed for road tax, and the amount of said tax; and it shall be the duty of the president of each of said roads to notify said persons of the amount of their road tax, and time when the same may be worked out; and if any person shall fail or refuse to work out their tax or pay the same in money to the president of the company of the road, such person shall be subject to all the pains and penalties of an act, entitled "An act to amend the road law in Bracken county," approved February 8th, 1864; and the provisions of said act, so far as the same are applicable, shall govern the president of said roads in having said work performed, and in making his return to the road commissioner.

§ 3. This act shall take effect from its passage.

Approved January 29, 1867.

CHAPTER 1170.

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AN ACT for the benefit of Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hardin county court, a majority of the justices concurring, may purchase for, and in the name of Hardin county, one or more lots of ground on which to erect a court-house and jail, the conveyance to be made to the county of Hardin. The said court, a majority of the justices concurring, may sell the material in the present court-house, and, after a new jail is erected, sell and convey the lot and present jail-house, unless the new jail shall be erected on the same lot. If sold, the deed of the presiding judge shall pass the title to the purchaser.

§ 2. That to enable the court to create the means to purchase the lot or lots, and to erect the building herein named, and such necessary public buildings as the court may deem proper to erect, the said court, a majority of the justices concurring, may order to be issued bonds in the name of the county, ranging in amount from one hundred to one thousand dollars, the first of which to mature within two years from date, and at the end of intermediate years not to extend beyond ten; the bonds to bear interest at a rate not to exceed eight per cent. per annum, payable at the end of each year, with coupons attached.

§ 3. The bonds thus issued shall be signed by the judge of the county or quarterly court, and countersigned by the clerk of the county court, who shall affix to each the county seal, and sign the coupons; they may be made payable to the bearer, or to any contractor, who may pass the same by his written indorsement; said bonds shall not exceed in amount the estimated cost of the lots and buildings. A book shall be kept by the clerk of the court, in which the amount, number, date, and maturity of each bond shall be stated.

§ 4. The court shall appoint a county treasurer, who shall be the agent of the county court to sell said bonds or to borrow money for and in the name of the county, for the purpose herein contemplated, and hypothecate or pawn any of said bonds for the payment; he shall give bond with security, to be approved by the court, and shall be liable on the same for a breach of any of its covenants, by proceeding in the name of the county, to be tried by the judge of the county court. All sums of money collected by the provisions of this act shall be paid over to the county treasurer, and by him held subject to the orders of court.

§ 5. That to provide for the payment of said bonds and the interest accruing thereon, together with incidental expenses and charges for commissions, and to create a

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fund in money for the purpose aforesaid, the county court, a majority of the justices concurring, may levy a tax on the property in the county subject to revenue tax, on the value thereof, not to exceed in any one year ten cents on the one hundred dollars' worth of property, and, in addition, may levy a poll-tax not exceeding two dollars per tithable, exclusive of the tax levied for ordinary county purposes: *Provided*, That no person shall be subject to poll-tax who pays an *ad valorem* tax of two dollars.

§ 6. That each bond shall be paid at maturity if presented to the county treasurer; and when paid, shall be cancelled by some indelible stamp kept for that purpose by the treasurer, and report such cancelment to the court. If not presented for payment on the day of its maturity, no interest shall be thereafter paid on such bond: *Provided*, If any bond shall be presented for payment, and payment shall not be made, the holder thereof shall hold said bond at interest at the pleasure of the treasurer, not to exceed one year. Every bond issued or the coupon for interest, shall be presented to the treasurer at the end of each year for the payment of interest. If the county court shall fail at any time or refuse to make the proper levy to pay any of the bonds at maturity or the yearly interest any holder of a bond or bonds or coupons of interest, may, by petition, in which several holders may join, addressed to the circuit court, apply for, and, on such application, it shall be the duty of the circuit court to grant a writ of mandamus against the county judge and justices, and on hearing, make such appropriate orders as may be deemed necessary to enforce a levy and collection and appropriation of the money to pay said bonds or coupons.

§ 7. The judge of the county court may, when necessary to make any such levy, cause a summons to be issued by the clerk of the county court, compelling the attendance of the county justices at the court-house on a day to be named.

§ 8. The sheriff shall have power to levy on and distrain and sell the property of the tax-payers to collect the sums levied; and for collections, he shall be allowed the same commission allowed by law for collecting revenue tax. He shall give bond with security for its collection, payable to the judge of the county court, for the use of Hardin county; and for a failure to comply with its provisions, may be proceeded against by motion or petition, and a judgment rendered against him and his securities, with cost and damage equal to his commission. He may return on oath a delinquent list. The sums paid shall be paid over to the county treasurer, who shall receive for his services compensation to be fixed by the court.

§ 9. This act shall be in force from and after its passage.

Approved January 29, 1867.

CHAPTER 1171.

1867.

AN ACT to incorporate the Poplar Plains and Plummer's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

•§ 1. That a company may be formed, under the style of the Poplar Plains and Plummer's Mill turnpike road company, for the construction of a macadamized road from Poplar Plains, in the county of Fleming, to the most convenient intersection of the turnpike road from Flemingsburg to Bell Grove; that the capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of fifty dollars each.

§ 2. That books shall be open for subscription of stock in said company on the first Saturday in April, 1867, or as soon thereafter as may be deemed necessary, at Poplar Plains and Plummer's Mill, under the supervision of E. Logan, Theodore Hart, Samuel Armstrong, William O. Phillips, Edwin E. Pierce, Benjamin G. Plumer, and R. F. Dearing, or any three of them, who are hereby constituted commissioners for such purpose; that the subscription for stock shall be made by the persons taking stock in said company subscribing the following obligation, which shall be written in a book procured and kept for such purpose: We, whose names are hereunto subscribed, obligate ourselves to pay to the president and directors of the Poplar Plains and Plummer's Mill turnpike road company the sum of fifty dollars for each share of stock which we have set opposite to our names, and agreeable to an act of the General Assembly of Kentucky incorporating said company.

§ 3. That the provisions of an act, entitled "An act to incorporate the Poplar Plains and Tilton turnpike road company," and of any act or acts therein referred to, shall apply to this company, and regulate the proceedings of the president, directors, and other officers of this company, their duties, powers, and responsibilities, so far as the provisions of said acts may not be inconsistent herewith.

§ 4. That this company, when organized, may be consolidated with the Poplar Plains and Tilton turnpike road company, a majority of the stockholders in each concurring therein, which concurrence shall be expressed by the vote which each stockholder may be entitled to when voting for officers of said companies.

§ 5. This act shall take effect from and after its passage.

Approved January 29, 1867.

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CHAPTER 1172.

AN ACT to incorporate the Mill Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, formed, under the name and style of the "Mill Creek turnpike road company," for the purpose of making a turnpike road, commencing at a point on the Maysville, Flemingsburg, and Mt. Sterling turnpike road, at or near O. M. Weedon's, and terminating at or near Mt. Gilead, by intersecting the Maysville and Mt. Carmel turnpike road, in Fleming county. That books shall be opened for subscription of stock at Millwood and Mt. Gilead at once, and under the direction of the commissioners hereby appointed, viz: O. M. Weedon, Wm. A. Morrison, S. G. Hord, L. F. Bright, John H. Fields, Thomas G. Dixon, J. M. Alexander, Richard Willett, Fielding Goodman, and G. W. Wallingford, any two or more of whom may act; the books to be kept open until a sufficient sum, including any amount which may be subscribed by the county court of Mason or of Fleming, which, in the judgment of said acting commissioners or of the board of officers when organized, to complete said road. The commissioners shall procure a book, and the subscribers to the stock of said company shall enter into the following obligation in said book: We, whose names are hereunto subscribed, do promise to pay the president, directors, and company of the Mill Creek turnpike road company, the sum of one hundred dollars for each share of stock set opposite to our names, in manner and proportion, and at such times, as may be determined by the president and directors, and agreeably to an act incorporating said company. Witness our hands.

§ 2. That the provisions of the act approved December 18th, 1863, entitled "An act to incorporate the Flemingsburg and Upper Fox Springs turnpike road company," shall apply to this road; and so much of the provisions of the act approved February 26th, 1847, entitled "An act to incorporate the Carlisle and Sharpsburg," as is embraced by section 8th, and all subsequent sections thereof, except section 27th, 28th, and 29th, and wherein said act shall be applicable, shall be, and the same is hereby, adopted and enacted as part thereof, except so far as the rates of toll are fixed in said acts: *Provided*, That the same rate of toll shall be collected as charged on the Maysville and Mt. Sterling turnpike road.

§ 3. This act to take effect from and after its passage.

Approved January 29, 1867.

CHAPTER 1173.

1867.

AN ACT to amend an act, entitled "An act to incorporate the Hillsborough and Wyoming Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the first section of an act, entitled "An act to incorporate the Hillsborough and Wyoming turnpike road company," be, and is hereby, so amended that the capital stock of said company may be increased to thirty thousand dollars.

Approved January 29, 1867.

CHAPTER 1174.

AN ACT to Charter the Board of Internal Improvement for Barren County, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body-politic and corporate, under the name and style of "The Board of Internal Improvement for Barren county," for the repairing and improving certain roads in said county; and by that name shall have succession for fifty years; be capable of suing and being sued, plead and be impleaded; may have and use a common seal; receive conveyances for and hold or dispose of personal or real estate in aid of the purposes of their incorporation, not exceeding in value one hundred thousand dollars. That C. C. Forbs, S. H. Boles, J. R. Garnett, Woodford Shaube, Frank McMillin, G. Y. Buford, and Charles W. Terry, be, and they are hereby, created and formed into said company. And whenever a vacancy shall occur in said company by death, resignation, or otherwise, the survivor or survivors, or those remaining in the company, shall elect and fill up such vacancy.

Name & style, and corporate powers.

Corporators' names.

§ 2. That said company may project and construct a line of turnpike or gravel road from Glasgow, in said county, to the county line in the direction of Jimtown, in Monroe county, upon any of the present public highways now laid out for travel, or through any lands lying in the way; and shall be capable of receiving the conveyance for the right of way thereover, the right of going upon said lands with hands or other force, and getting material to aid in building or repairing said road.

May construct road.

§ 3. That said corporation may open books and receive subscription of stock in said road from individuals, in shares of not less than fifty dollars, which shall be payable at such time to said company, in labor, material, or money,

May open books and receive subscriptions.

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as the company may agree with such subscriber. That the width and plan of said road shall be such as may be determined upon by the company: *Provided*, It shall not be less than ten feet wide, nor shall the gravel upon the center of it be less than ten inches thick: *And provided further*, That in building said road, said company shall commence at said town, and finish it as the work progresses.

President,
quorum, &c.

Term of office.

To keep record.

Treasurer to
execute bond.

Compensation
of officers.

Road inspector
to be appointed
—his duties.

When may
erect toll gate.

§ 4. That said company may elect one of their body, or another, to act and serve the company as president; and he shall have power to call a meeting at any time or place and a majority of said company shall constitute a quorum to do business. Said company shall also have a clerk and a treasurer, to be chosen by the members of the company, but who are not members of the company; they and the president shall hold their offices for one year, and may be re-elected. The clerk shall keep a record of all meetings of the company, and all their actings and doings; and the proceedings of each meeting shall be signed by the president, and countersigned by the clerk. The treasurer shall execute bond to said company with good security, conditioned to safely keep, account for, and pay over all moneys and effects of the company which shall come to his hands as he may be ordered to do by the company; and for a violation of his bond, he may be proceeded against with his security by suit or motion in the Barren circuit court or quarterly court, and other courts, as constables are now liable by law to be proceeded against for failing to pay over money when collected. The company shall fix the measure of compensation to said clerk, president, and treasurer, and pay the same from time to time, as they may be entitled.

§ 5. The county court judge of Barren county shall appoint a good and suitable road inspector, whose duty it shall be, at any time when requested by the president of said company, or by an order of the company, to examine and inspect said road carefully and particularly, and file with said county judge, to be entered of record in the Barren county court, a certificate showing the description, material, and finish of said road, and whether, in his judgment, the same is a good, lasting, safe, and permanent turnpike or gravel road; and if such is his judgment and report, then said company may, at the end of the first two miles from said town of said road, erect across the same a toll-gate, and shall be allowed to collect and receive from all persons (except ministers of the gospel) passing through said gate, or driving stock or vehicles of any kind, or riding on horseback, and shall have full power to require it paid before the gate is cleared; and for each successive two miles of road so finished and inspected as aforesaid, said

company may erect and charge, as aforesaid, the rates of toll, if said company shall see proper, prescribed in chapter 103 of the Revised Statutes of this State; and if any person shall go around or turn off said road, with the fraudulent intent to avoid paying toll on said road, he shall, on conviction thereof before a justice of the peace, the county judge, or police judge of Glasgow, be fined five dollars, to be collected as other fines are now collectable, and paid to the treasurer of said company; said road inspector shall be paid by said company a reasonable allowance for each mile of road inspected as aforesaid, and his report thereon.

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Penalty for
avoiding gates.

§ 6. That said company may project, construct, and build a like turnpike or gravel road from Glasgow to the Barren county line, in the direction of Burksville, and may project, construct, and build two arms of like road from any point thereon, one arm to the Barren county line in the direction of Tompkinsville, and one in the direction of Edmonton, to the Barren county line; and said company shall have the same power and authority to project, lay out, and build a like turnpike road from Glasgow to the Barren county line, in the direction of Greensburg; and like power to reconstruct, repair, and put in order, the present old turnpike road from Glasgow to the Allen county line, and from Glasgow to the Hart county line, as it now runs; and said company shall have the same power and rights to receive subscriptions of stock and collect the same; to receive conveyances of the right of way, take and use the present laid out public ways; contract for and go upon lands to open and build roads, and survey or get materials, as are delegated to them in the foregoing part of this act pertaining to the road leading toward Jimtown; and the duties of said road inspector shall be the same upon these roads, and said company shall have the same power upon these roads to put up gates and collect toll, that is granted as to the said first named road in this act; and the penalties for trying to avoid paying toll shall be the same.

What roads
may be built &
repaired.

May receive
subscriptions,
rights of way,
&c.

§ 7. That the county court of Barren county is hereby empowered and directed to subscribe, for and on behalf of said county, to the capital stock of said company, the sum of one hundred thousand dollars, and may levy the same upon the taxable property of said county, which shall be laid out and expended under the supervision, management, and direction of said company, in the constructing and building and repairing said roads, securing to each road and each end of said old turnpike road, and each of said arms of road, their just proportion of said fund, as in the judgment of said company will be most promotive of the interest of the entire county: *Provided, however,* That no such subscription of stock shall be made by said court, unless a majority of the qualified voters of said county, as

County court
may subscribe
stock.

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shown and ascertained by the assessor's books of said county, for the year 1865, shall first file in said court a petition or petitions in writing, asking that said subscription of stock be made to the capital stock of said company, for the purposes aforesaid.

Commissioners
to be appointed
—their powers
and duties.

§ 8. That when said petition or petitions are filed in said court, and the demand made of the court to subscribe said stock, it shall be the duty of the court to appoint three intelligent commissioners, who shall be sworn to faithfully and truly discharge their duties under this act; the court shall then deliver to them the said petition or petitions, and the commissioner's books of Barren county for the year 1865; and thereupon said commissioners shall carefully count and ascertain the number of qualified voters in said county for said year 1865, as shall appear from said book, and the number of qualified voters of said county so petitioning as aforesaid, and certify in writing to said court the facts, and whether a majority as aforesaid have signed and joined in said petition, which certificate or report of said commissioners shall be filed and entered of record as a part of the proceedings of said court in reference to the subscription of said stock; and if it shall appear from said report of said commissioners that a majority of the qualified voters of said county, ascertained as aforesaid, have joined in said petition or petitions, it shall then be the duty of said court to subscribe the one hundred thousand dollars stock aforesaid to the capital stock of said company as aforesaid, payable in twenty years, but bearing interest after the rate of six per centum per annum, which interest and five per cent. of the principal shall be paid at the end of every year from and after the date of the bonds as herein shown.

Bonds of county
to be issued
and delivered.

§ 9. That said judge of the Barren county court shall issue and deliver the bonds of said county, bearing interest as aforesaid, payable to the said company, to the amount of stock subscribed as aforesaid, in such sums as said company may require; five per cent of the entire amount of stock so subscribed shall be due and payable on the first day of January after the subscription of said stock by said court, and five per cent. of the entire amount of said subscription of stock shall be due and payable on the first day of January of each succeeding year thereafter, until the whole amount of said stock is paid. To each bond, except those first due, coupons shall be attached for the amount of each year's interest, showing thereon indorsed the amount of the interest upon such bond for each year, which bonds and each coupon shall be signed by the presiding judge of the Barren county court, and countersigned by the clerk of said court, and dated at the time of the issuing and delivery thereof; and before any bond is

delivered, it shall be entered of record at full length by the clerk of said court, in a book of his office, to be provided by him for that purpose; and for such book, his services, and the services of said judge, they shall be paid out of the county levy a reasonable compensation.

§ 10. That said bonds shall be assignable by the official indorsement of the president and directors of said company, and they may be cashed or transferred by said company, upon such terms as may be deemed best for the objects of this corporation.

§ 11. That the county court of Barren county, at its first regular court of claims for said county after the issuance of said bonds, and at every annual court of claims for said county thereafter, shall levy an *ad valorem* tax upon the property, choses in action, &c., of said county (subject to taxation for revenue purposes under the laws of the State), sufficient to pay the annual interest on said bonds, and the five per cent. of principal falling due the next year thereafter, and sufficient to cover delinquencies, and to pay the costs of collecting the same; and the clerk of said court shall deliver to the sheriff or other collector of the revenue of said county a certified copy of the order of said court, showing such assessment and levy, on or before the first day of January following; it shall be the duty of the sheriff to proceed to collect said tax from the citizens, and out of the property, according to the value thereof, as found in the commissioner's book furnished him for the year it is collectable, to-wit: the year after it is levied; and he shall have the same power and authority to distrain for its collection; and the same liens for its payment are hereby declared to exist on property as are secured and provided for the collection of the State revenue; and said sheriff shall have, as compensation for its collection and paying over, the same fees as now provided by law for collecting and paying over the State revenue, except that for collecting and paying over this tax he shall only have eight per cent.; and in order to facilitate the collection of said tax, the sheriff may levy it upon the land of any defaulting tax-payer, situated in said county, and advertise the same, and sell so much thereof as shall be sufficient to pay the tax due against such person for cash in hand, at the time and places, and under the same rules and regulations, that lands may now be sold under execution, except that no appraisement and valuation of the land need be made by commissioners as is now required to be done before sold under execution; and the owner or owners of such land so sold for the taxes shall have twelve months in which to redeem the same, which may be done by paying to the purchaser his purchase money, and ten per cent. thereon per annum from the day of sale till so redeemed; but if the

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Bonds assignable.

Tax to be levied to pay bonds, &c.—when and how collected.

Land sold for taxes may be redeemed.

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same is not redeemed within one year from the sale, then the sheriff, or his successor in office, shall convey the same by deed to the purchaser, the purchaser paying for writing and stamping the deed, and the title shall then be vested in the purchaser; in case of absence of the purchaser from the county, the party desiring to redeem may proceed as now allowed to do in securing redemption of land sold under execution.

Liability of
sheriff.

Sheriff to col-
lect, settle with
county judge,
&c.

§ 12. That the sheriff of the county, and his securities on his bond executed as sheriff shall be liable to said company, or to any holder of any of said bonds, to be proceeded against by motion or suit, for a violation of his duties under this act, in any of the courts of this Commonwealth. It shall be the duty of said sheriff to collect said taxes, and to make a settlement with the county court judge of said county in each year, on or before the fifteenth day of December, and to pay over said money to the county treasurer, and take his receipt therefor, and the same shall be reported to and entered of record in said county court; in making said settlement with said county judge, said judge shall allow credit to him for such delinquent list as he or his deputies may return and file, which, however, can only be allowed to be returned and filed under the same restrictions and regulations that delinquent lists can now be allowed to be filed by sheriffs as to county levy and revenue taxes.

County treas-
urer to be ap-
pointed.

To give bond.

§ 13. That the Barren county court shall appoint a suitable man treasurer of Barren county, who shall, in said court, take an oath that he will truly and faithfully execute and perform the duties of treasurer of Barren county, according to law, and execute a bond in said court, payable to the Commonwealth of Kentucky, in the penal sum of seventy-five thousand dollars, with good and approved security, conditioned that he will truly and faithfully account for and pay out all moneys and effects which shall come to his hands as treasurer aforesaid, to the person or persons entitled thereto by law; and will, at all times, answer any rule made upon him by the Barren county court, and settle up his accounts as treasurer whenever he is required to do so by said court, and in all other respects do and perform his duties as treasurer aforesaid according to law, which bond shall be taken by said court in open court, and approved and spread upon the records of said court. The treasurer thus appointed shall hold his office for one year; may be reappointed, but must give a new bond, with approved security, at least once every year; and he may be removed from his office at any time by said county court. Said treasurer and his securities may be proceeded against on said bond for a violation of its pro-

visions, by suit or motion in any of the courts of this Commonwealth, at the instance of any person or corporation.

§ 14. The said treasurer shall, on the first day of January of each year, and afterwards when called on in Glasgow, pay to the holder of any of said county bonds the interest then due thereon, to be found indorsed as aforesaid upon the coupons attached to said bonds by the said county judge and clerk, and when so paid, detach and separate from the bond, and take in the coupons so paid off; and such of said bonds as are due he is directed to pay off and take up; and he shall settle up at least once every year with the judge of said county, which settlement shall be put to record in said clerk's office; and in that settlement he shall be charged with all moneys received by him since the last preceding settlement, and credited by his payments out upon said bonds as evidenced by coupons and bonds taken in; the bonds and coupons so taken in shall be noted in the settlement, and then burned up by the said judge and county clerk, and a certificate thereof, signed by them, entered of record in the book kept in said office by said clerk in which said bonds are recorded.

§ 15. The sheriff shall give to each tax-payer a receipt for the amount of taxes collected and paid each year, and such receipt shall be conclusive evidence that its holder is entitled to stock in said company to that extent; and whenever said receipts amount to fifty dollars, the holder may, if he desires, file them with the clerk of said board of internal improvement, and get from him a certificate of stock to that extent; and whenever said company shall declare a dividend upon their several roads aforesaid, the holder of each tax receipt for taxes aforesaid shall be entitled to share equally with the other stockholders, according to the amount of his stock as evidenced by his receipt aforesaid.

§ 16. In case the sheriff shall refuse, fail, or neglect to execute bond as hereinbefore provided, for the collection of said tax, the Barren county court shall appoint a collector thereof, and take bond with good security, conditioned as a sheriff's bond; and he and his securities shall be liable to be proceeded against for a violation of any of its provisions in the same way and to the same extent as sheriffs are responsible for violations of their bond; and said collector is vested with the same powers, and the same duties are hereby imposed upon him that are directed to the sheriff in the former part of this bill.

§ 17. That said company may project and construct and build an arm of turnpike road from any point on the old pike now lying between Glasgow and Scottsville, to Rocky Hill, in Barren county; and they are vested with the same powers and privileges in surveying, locating, building, and controlling the same, that are secured to them in reference

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When interest
on bonds to be
paid.

To make an-
nual settle-
ments.

Tax receipts to
be given.

Tax collector
may be ap-
pointed.

May build road
to Rocky Hill.

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to the other roads named in this bill; and in any subscription of stock made by said county court as aforesaid, said arm road may share a part of the benefits if included in the petition or application aforesaid, to be made to said court under the same rules, regulations, and restrictions as the others; and said company may receive and collect any subscriptions of stock in said arm road, as is provided for said other roads.

§ 18. This act shall take effect from its passage.

Approved January 30, 1867.

CHAPTER 1175.

AN ACT to Charter the National Turnpike Road Company.

WHEREAS, On the 18th day of June, 1860, John Churchill, Collis Ormsby, and W. P. Hahn, were appointed a committee by the county court of Jefferson county, Kentucky, for the purpose of receiving subscription to the stock of the National turnpike company; and whereas, on the same day the Jefferson county court appointed Charles Hermon, W. D. Roberts, and Robert Ayars commissioners, to view and report a route for a road, to be called the National turnpike road, to commence at the intersection of Kentucky street and Third streets, and to run three and one half miles to a point in the center of M. E. Christmas' land; and proper notices and contracts and subscription to the amount of six thousand dollars having been filed as required by law; and whereas, said committee having made their report, and showing to the satisfaction of the said court that a sufficient amount of capital being subscribed to build said road, it was ordered that said company be established; and whereas, said company proceeded to build said road under said order of said court, and obtained the grant of the right of way for said road from the property-holders on the route of said road; and whereas, said company did build a considerable distance of said road, and expended eighteen ——— dollars on the same; and the completion of said road being intercepted by the late war; and whereas, the completion of said road will now be of great public benefit to the citizens of Louisville and Jefferson county, and being much desired by the public generally; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the National turnpike road company, for the purpose of constructing a macadamized turnpike or gravel road in the county of Jefferson, Kentucky, from the intersection of Kentucky street, in the city of

Name and style,
and route of
road.

Louisville, with Third street; thence south in a direct line to the avenue bounding the House of Refuge lands on the north; thence west to the avenue dividing the House of Refuge lands and the lands of J. B. Walker; thence south along said avenue to a point opposite and west of the residence of John Churchill; thence in a direct line south to a point in the center of M. E. Christmas' land.

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§ 2. The capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. A book for the subscription of stock in said company, under the direction of A. Harris, U. E. Ewing, E. Thompson, W. P. Hahn, C. Ormsby, J. B. Lilly, and J. Churchill, commissioners, any one of whom may act; and procure a book in which the subscribers to the stock to said company shall enter into an obligation to pay the sums subscribed opposite their names, at such time as shall be required by the president and directors of said company, which obligation may be enforced by the proper courts.

Commissioners to open books.

§ 4. The books of the corporation shall remain open until the whole capital stock, or enough to complete the road, shall have been subscribed.

How long to remain open.

§ 5. The stockholders in the National turnpike company, established in 1860, December 3d, by the Jefferson county court, shall be entitled to shares in this corporation equal to the amount they have heretofore paid to that company; and the amount heretofore expended in constructing said road shall be a part of the capital stock of this corporation.

Stockholders in former road to have stock in this.

§ 6. So soon as fifty shares shall be subscribed, it shall be the duty of the commissioners, or some one of them, to give notice of the meeting of the stockholders of said company, in the city of Louisville, for the purpose of choosing officers, which notice shall be published for one week in some daily paper; and at said meeting at least two of the commissioners shall be present, and superintend and conduct the election. There shall be elected a president and three directors, who shall hold their offices for one year, and until their successors are elected and qualified; and the directors shall elect a treasurer and such other officers as they may deem necessary; and the treasurer, before he enters on the duties of his office, shall execute a bond in the sum of ten thousand dollars, with security, to be approved by the directory, conditioned that he will perform the duties of his office; and whenever a demand is made on him by the directory, pay over the sum of money in his hands as treasurer; and he shall continue in his office until another be appointed by the directory.

When officers to be elected.

Officers to be elected.

Treasurer to give bond.

§ 7. At all elections, the stockholders shall be entitled to one vote for each share of stock held; and the officers shall

How stock voted.

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take an oath that they will faithfully discharge their respective offices to the best of their ability.

Corporate
powers.

§ 8. That upon the election and qualification of the directors and president of said company, they shall become a body corporate and politic, by the name and style of the National turnpike road company; and by that name shall have succession for thirty years; contract and be contracted with, sue and be sued, and have all the powers conferred by the Revised Statutes on turnpike road companies incorporated according to its provisions.

Width of road,
&c.

§ 9. That the road to be constructed by said company shall be of uniform width with that portion now constructed.

Rates of toll.

§ 10. That the same rates of toll shall be allowed said company as are prescribed in chapter 103, Revised Statutes.

May erect
gates.

§ 11. That the president and directors shall be authorized to erect a gate at the termination of their road, or near the same, not within the limits of the city of Louisville, or may erect one gate at any other point on the said road one mile outside of said city boundaries, and collect toll of all persons using said road for the distance they may travel on it, although the length of the road may be less than five miles; but no gate shall be erected until said road is completed.

§ 12. That the county court of Jefferson county may take and subscribe stock in said company.

§ 13. This act shall take effect from and after its passage.

Approved January 30, 1867.

CHAPTER 1176.

AN ACT supplemental to an act to change the Charter of the Lexington Library Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act passed at the present session of the General Assembly, entitled "An act to change the charter of the Lexington Library Association," shall take effect from its passage.

Approved January 30, 1867.

CHAPTER 1177.

1867.

AN ACT to incorporate the Louisville Wooden Ware Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David H. Davis, George C. Hunter, William Ross, Harvey B. Shanks, and Luther T. Thustin, or any three of them, their associates, successors, and assigns, be, and they are hereby, constituted and created a body-politic and corporate, by the name of the Louisville Wooden Ware Manufacturing Company; and by that name and style to have succession for thirty years, for the purposes of buying and selling all kinds of lumber and timber or other material of wood, and for manufacturing any variety of wooden ware for domestic uses, or for agricultural, mechanical, or other purposes; and for transacting all the usual and necessary business of companies engaged in manufacturing, transporting, and selling the products of their factories; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have and use a common seal, and the same to alter at pleasure; to make rules and by-laws for the regulation and management of said corporation, not inconsistent with the laws of the State or of the United States; and generally to do and execute for the well-being of said corporation whatsoever shall lawfully pertain to such companies.

Corporators' names, and corporate powers.

May make by-laws.

§ 2. That said company shall have the right to acquire and hold, by purchase or lease, such lands, city lots, and buildings, not exceeding in value the capital stock of said company, as they may deem necessary for the well-being and advantage of said company, and the same, or any part thereof, to use and occupy, sell, lease, or otherwise dispose of, as the directors may, from time to time, see proper; and to enter into and make all such arrangements, contracts, deeds, and obligations, as may be requisite and proper in the prosecution of the business of said company.

May acquire lands, &c.

§ 3. That the capital stock of said company shall be thirty thousand dollars (\$30,000), with the privilege of increasing the same, from time to time, as the directors may deem requisite to the success of the company, to any amount not exceeding two hundred thousand dollars (\$200,000); said stock shall be divided into shares of one hundred dollars (\$100) each, which said shares shall be represented by proper certificates, and shall be deemed personal property, transferable by assignment or otherwise, as may be provided in the by-laws of said company.

Capital stock.

1867.

Who to manage affairs of company.

§ 4. That the affairs of said company shall be managed and controlled by a board of three (3) directors, to be chosen by and from the stockholders, at such times and under such regulations as shall be prescribed by the by-laws; each stockholder being entitled to give, at every such election, either in person or by proxy, as many votes as he holds shares of stock; but no stock shall be transferred, so as to carry with the right to vote, at any time within thirty (30) days of such elections of directors.

Term of office.

First election, when held.

§ 5. That said directors shall hold their offices for one year, and until their successors shall be elected: *Provided*, That in case a vacancy shall occur, the same may be filled by the board at any regular or called meeting. The first election shall be held at such time and place as a majority of the corporators named in this act shall determine, of which election public notice shall be given at least ten (10) days prior thereto, in some newspaper published in Louisville.

Quorum.

§ 6. That a majority of said board shall, at all times, form a quorum for the transaction of business. The principal office of said company shall be located in this State.

May make by-laws, &c.

President elected, officers appointed, &c.

§ 7. It shall be the duty of the board of directors to make all requisite by-laws for conducting the business of said company, for the safe-keeping and proper disposal of its property and effects, and for the just divisions and distribution among the stockholders, from time to time, of all moneys or other proceeds resulting from the business of said company; and the said board shall, at the first meeting after its organization, elect from its own number a president and vice president, and may prescribe their duties and fix their compensation; they may also appoint all other officers, agents, or employees of said company, fix their compensations, and may remove them at their discretion.

Special meetings may be called.

§ 8. Special meetings of the stockholders may be called at any time by a majority of the directors or stockholders, or by the owners or representatives of a majority of the stock; and at such meetings the stockholders shall have power to require from the officers, agents, or employees of the company, full statements and accounts relating to the business of said company, and to suspend, in their discretion, any president, director, officer, or agent of said company, until the conduct of such president, director, officer, or agent, shall be fully investigated; and during such suspension to appoint some other to perform his duties; and if the stockholders representing a majority of the stock shall so decide, the person or persons so suspended shall be removed from office, and another or others be appointed in his or their place.

§ 9. The stockholders of said company shall not be personally liable for any debts, contracts, or engagements of said company, beyond the amount of stock subscribed by them respectively, except for wages to laboring men or other persons employed by said company, and then not to exceed one month's wages to said employees.

1867.

Liability of
stockholders.

§ 10. This act shall take effect on the day of its approval.

Approved January 30, 1867.

CHAPTER 1178.

AN ACT to incorporate the Town of Woodville, in the Counties of Ballard and McCracken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Woodville, in the counties of Ballard and McCracken, with the following boundaries: beginning at D. E. W. Woodson's stone corner, in the center of the Caledonia road, at the southwest corner of said Woodson's twenty-acre tract of land, running west 250 poles, north 80 poles, south 80 poles, from the center line on Main street, be, and the same is hereby, established and incorporated.

§ 2. That James Wiley, Dr. Royster, Jesse Young, J. Woods Kay, Dr. G. T. Shivel, Dr. E. Woodson, and John Hicks, are hereby appointed trustees for said town, and shall remain in office until the first Saturday in February, 1868, upon which day, and upon the first Saturday in February in each succeeding year, the free white male inhabitants of the said town, of the age of twenty-one years and upwards, shall meet at such place as may be designated, and choose seven fit persons by vote, *viva voce*, to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 3. That the said trustees and their successors in office are hereby appointed a body corporate and politic, with power to enact ordinances, by-laws, and regulations, for the government of said town, not inconsistent with the Constitution and laws of this State or of the United States; to levy a tax on the real and personal estate and tithes; to appoint an assessor to value the said property, and make a list of all the tithes, and a collector to collect the tax, to be appropriated by the trustees to meet the ordinary expenses of said town and for the improvement thereof; *Provided*, That the tax shall not exceed the sum of seventy-five cents on the hundred dollars' worth of property, and one dollar on each tithe within the boundaries of said town.

1867.

§ 4. That said collector shall have power to collect the taxes assessed, and for that purpose may make distress and sale as sheriffs are now allowed by law to collect the revenue of this State. The trustees shall require him to give bond; and shall make him a reasonable compensation for his services.

§ 5. That the trustees may appoint a clerk, whose duty it shall be to keep a fair record of the proceedings of the board of trustees; and he shall give public notice, by advertisement in said town, of any election of trustees, at least ten days before such election; and it shall be his duty to conduct such elections, to determine the qualification of the voters, to declare the persons elected, and to record the same.

§ 6. That it shall require the concurrence of a majority of the trustees to exercise the powers granted in this act; and in the event of a failure to make an election on the first Saturday in February, 1868; the trustees herein appointed shall continue in office until their successors are duly elected; and the said trustees shall have power to fill all vacancies in their own body occurring between the times of election; and they may change the time of holding elections to suit the citizens of said town.

§ 7. That the said trustees shall have power to open the streets and alleys of said town, to grade, pave, and macadamize, and to make such other improvements for the benefit of said town, as they may deem proper.

§ 8. That this charter may be amended and added to, at the pleasure of the General Assembly.

§ 9. This act to take effect from its passage.

Approved January 30, 1867.

CHAPTER 1179.

AN ACT to extend the Charter of the Louisville Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First condition
of charter.

§ 1. That the following charter be granted to the present Louisville Gas Company, to take effect at the expiration of the present charter, on the first day of January, 1869: *Provided*, The city of Louisville does not exercise its privilege to purchase the same in accordance with the terms set forth in article 18 of the present charter.

Capital.

§ 2. That a company shall be, and the same is hereby, incorporated, with a capital of fifteen hundred thousand dollars, to be divided into shares of fifty dollars each, to be owned by individuals, companies, and corporations; they and their successors and assigns shall be, and they are hereby, created a body-politic and corporate, by the name

and style of the Louisville Gas Company, and shall so continue for twenty years from the first day of January, 1869; and by that name and style, under the restrictions hereafter prescribed, shall be capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations, for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution or laws of this State or of the United States.

1867.
Duration of
charter.

§ 3. That the capital of fifteen hundred thousand dollars shall consist, first, of the stock of the present Louisville Gas Company on the 31st of December, 1868, at par value; secondly, of the contingent fund and undivided profits that the same company may own at the expiration of its present charter, said fund to be capitalized *pro rata* for the benefit of the present stockholders, except fractional parts of shares, which shall be paid in cash; and, thirdly, new stock may be issued and sold by the new company when required, to the extent of the capital stock; the sales to be made at public auction, after ten days' notice in the city papers. Should such stock be sold above its par value, such excess shall not be capitalized or divided among the stockholders, but be employed in the first extensions made by the company after the sale of said stock.

Capital—how
made up.

§ 4. That said company shall keep an office in the city of Louisville, and its business shall be to make and furnish gas to the city of Louisville, and residents thereof, and vend the same; and said company shall have the right to purchase and hold such real and personal property as may be necessary, proper, or convenient in the carrying on and transacting its said business.

Duties and
privileges.

§ 5. The Gas Company shall, within two years after this charter takes effect, be required to extend the gas distribution to Portland, and lay down street mains along the Portland avenue to the intersection of Third and Fulton streets, Portland; thence along Third street to Commercial street; thence north on Commercial street to Water street; thence down Water street to Grove street, including the erection of public lights.

Extension to
Portland.

§ 6. The company may extend the main pipes for distributing the gas, when, in their judgment, it may seem fit; but shall not be bound to extend the same until the private and public lights required by the citizens will pay eight per cent. profit on the cost of the extension; and whenever an extension is required, the company shall furnish the proper estimates; and when the sum required shall be

Extensions.

1867.

Privilege of
company in re-
lation to laying
pipes, &c.

subscribed, the company shall be bound to make the extension until their capital stock is absorbed in the gas-works and extensions.

§ 7. That to enable the company to construct, continue, and extend its gas-works, in the city of Louisville, it is authorized to continue the use of the pipes and conductors which may have been laid down; and, with the consent of the city council, to own and extend its pipes and conductors through the other streets and alleys of said city; and for that purpose to take up the pavements and to replace the same; and shall be responsible to the city for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to the streets and alleys, and to the same ordinances and penalties that individuals may be subject to: *Provided*, All extension of pipes and conductors shall be made with the consent of the general council of the city.

City lamps,
number, cost,
&c.

§ 8. The Gas Company shall put lamp-posts, fixtures, etc., along the street mains as they are extended, at a distance apart of about two hundred feet, or as near that distance as the dimensions of the squares may admit, so as to make an equal distribution of the same; and whenever there are street mains on both sides of the streets, the lights are to be located so as to alternate, preserving the same distance—namely, about two hundred feet for the lamps on each side of the street. The Gas Company are to keep the lamps in order, to furnish gas, and light and extinguish the same, giving to each light an illuminating power of about twelve sperm candles; and the time of burning shall be from the close of twilight at evening until dawn of day in the morning, except on clear moonlight nights, or parts of nights, when the moon shines clear and bright, when the light may be dispensed with; and shall charge and receive therefor from the city of Louisville only the actual cost thereof. These charges shall not exceed the average charges for similar work or service in the cities of Philadelphia, Baltimore, Cincinnati, Chicago, and St. Louis, nor shall the price charged other consumers of gas be greater than the average price of gas charged such consumers in said cities.

Charge of gas
to consumers.

Appointment
of inspectors.

§ 9. A gas inspector or inspectors shall be appointed, whose duty it shall be to examine into all supposed errors in the gas bills of consumers, and correct the same, when called upon by the consumer for that purpose. The manner of appointing and the remuneration of said inspector or inspectors is to be made in such manner as the city council of Louisville and the Gas Company may agree upon.

§ 10. That if any person or persons shall willfully, by any means whatever, injure or destroy any part of the gas pipes or conductors, lamps, lamp-posts, burners, or any of their works or fixtures or machinery, all such persons shall be bound to the company for all damages sustained thereby, and may furthermore be liable, within two years after the commitment of the offense, and, upon conviction, shall be fined in any sum, at the discretion of the jury, not exceeding one thousand dollars, or by imprisonment in the city work-house, at hard labor, not exceeding five years; but this section shall not be held to change the law as to arson, or willfully burning the houses of the company: *Provided*, That so much of this section as imposes imprisonment shall not apply to infants.

§ 11. The stockholders, exclusive of the city of Louisville, may elect five (5) directors, and the general council of Louisville four (4) other directors, and these nine directors shall choose from among themselves a president; and to said directors shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs. All the directors shall be stockholders to the amount of twenty shares each, in their own right, and, after their first election, shall have been stockholders not less than three months before the election at which they are chosen. They shall serve for one year, and until their successors are chosen; and after the first election there shall be an annual election on the first Monday of January in each year, of which notice shall be given for ten days in the newspapers printed in Louisville; and the city council shall, at their first regular meeting after the first Monday in January, elect the four directors on the part of the city. The president and directors shall fill all vacancies that may arise in their body from death, resignation, removal from the city, or the failure to meet their engagements to the company with promptness; and it shall be the duty of the other directors to declare the seat of a director vacant for that cause, or for a removal from the city. This, however, excepts those vacancies occurring among the directors appointed by the city, which vacancies are to be filled by the general council of the city. That each share of stock in this company shall entitle the owner to one vote; and no one individual, company, or corporation, other than the city of Louisville, shall hold more than two thousand shares of the stock, either directly or indirectly; and if any one shall purchase and hold more, except the city, he shall forfeit his dividends on such excess of stock to the Gas Company.

§ 12. That certificates of stock shall be issued to the holders thereof whenever the same shall be paid for, and

1867.

Penalty for disturbing the works.

Election of directors and choice of president.

Annual election of directors.

Filling vacancies in board.

Number of votes, amount of stock, & forfeiture of the same.

Stock made personal estate—how transferred.

1867.

Two annual
statements of
the affairs of
the company.

stock in this company shall be considered and pass as personal estate, and shall be transferable on the books of the company, in such manner as the stockholders, or president and directors, by their by-laws, prescribe; but no stock shall be transferable until all the debts and demands of the company are discharged; and for all debts and demands the company shall have a lien on the stock. That on the second Monday in July and January in each year, the company shall make a statement of the affairs of the company, and furnish the same to the stockholders, and to the city council, at which time the semi-annual dividend shall be declared.

Record of pro-
ceedings.

§ 13. That the president and directors shall keep a record of their proceedings, which they shall produce to the stockholders at the regular or called meeting, and to a committee of the general council, at any time during the business hours of the day, for examination or inspection.

Penalties for
misconduct of
the officers.

§ 14. That if any officer of this company shall, without the authority of the president and directors, appropriate any of the funds of the corporation to his own use or that of any other person, shall willfully fail to make correct returns, or shall knowingly make false returns on the books of the company, with intent to cheat or defraud the corporation or any person, or to hide or conceal any improper appropriation of the funds of the corporation, the officer so offending shall be deemed guilty of felony, and, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State for a period not less than two nor more than twenty years.

Compensation.

§ 15. That the directors shall allow to the president a reasonable compensation for his services; but no compensation shall be allowed to a director, except by the order of the stockholders; and if the president or any of the directors shall knowingly diminish the capital stock by dividends or otherwise, they shall be responsible to the stockholders for the deficiency thus created.

Reports and
forfeitures to
the State.

§ 16. Reports of the finances and affairs of the company may be required by the Legislature, and the Legislature shall have the right, by its committees, to investigate the condition of the company; and any violation of the essential provisions of the charter shall cause forfeiture; but no forfeiture shall prevent the corporation from collecting its debts, and enforcing its contracts, and disposing of its effects.

Jurisdiction
for forfeitures.

§ 17. That the Louisville chancery court shall have jurisdiction to hear and determine alleged forfeiture of this charter, on complaint of any stockholder, or State of Kentucky.

State tax.

§ 18. That the stock in the hands of the stockholders is exempt from all State tax, and in lieu thereof, the State

impose a tax on the capital stock paid in of fifty cents on the hundred dollars; said tax to be collected from the Gas Company, and when paid, to exempt the property and effects of the company from any additional tax.

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§ 19. The city of Louisville, if it so elect, may purchase the gas-works at the termination of this charter, at a fair estimation of what said works are worth at that time: *Provided*, That the city shall notify the company of said election on her part at least one year before the termination of this charter; the value of the works to be ascertained by two competent gas engineers selected, one by each of the parties, and, in case of their disagreeing, by an umpire, whom they may select; the proceeds of which sale is to be divided *pro rata* among the stockholders, including the city of Louisville.

City may purchase the works

§ 20. This charter is to be valid and in full force when accepted by those who hold the majority of the shares of stock in the present Gas Company; and the new company shall become successors to and owners of all real estate and other property belonging to old company.

Approved January 30, 1867.

CHAPTER 1180.

AN ACT making the amended Road Law, approved February, 1866, apply to Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the act approved February 17th, 1866, entitled "An act amending the law in relation to roads," shall apply to and be in force in the county of Breckinridge, if a majority of the citizens voting thereon at the general election in August, 1867, shall be in favor thereof.

§ 2. That the persons appointed to compare the polls for Representative of said county, shall ascertain the state of the polls for and against the road law, and report the same to the next county court of Breckinridge county thereafter.

§ 3. This act to take effect from and after its passage.

Approved January 30, 1867.

1867.

CHAPTER 1181.

AN ACT appropriating one hundred and eighty-seven dollars and fifty cents to the Fleming County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of one hundred and eighty-seven dollars and fifty cents, in favor of the clerk of the Fleming county court, it being for the purpose of reimbursing said county court in said amount by it appropriated to pay the jailer of said county, for keeping and dieting Abel Hickerson two hundred and fifty days, he being a pauper lunatic who was too dangerous to run at large, and was confined in said jail; said lunatic having been refused admission in the asylum because there was no room to receive him.

§ 2. This act shall be in force from its passage.

Approved January 30, 1867.

CHAPTER 1183.

AN ACT allowing the Warren County Court to convey the Public Square in Bowling Green, and purchase a Court-house lot of T. B. Gorin.

WHEREAS, The chairman and board of trustees of the town of Bowling Green, Kentucky, have purchased of the Warren county court the public square in said town, containing about two acres, being the same lot on which the court-house formerly stood; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said trade be ratified, and that the county court of Warren be authorized to make a deed of conveyance of said public square to said town of Bowling Green.

AND WHEREAS, The county court of Warren have purchased of T. B. Gorin a lot of ground, near the public square in the town of Bowling Green, Kentucky, containing about one acre, on which they have agreed to build the court-house for said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said purchase be ratified, and said court is hereby authorized to receive a deed from said Gorin for said lot, and erect a court-house thereon for said county of Warren.

§ 2. This act to take effect from its passage.

Approved January 30, 1867.

CHAPTER 1184.

1867.

AN ACT for the benefit of the Daviess County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the justices of the peace, in and for Daviess county, to meet in the city of Owensboro on the second Monday in May, 1867, or on some day thereafter, and proceed to levy an *ad valorem* tax not to exceed fifteen cents on each hundred dollars, on all the property in said county subject to taxation, sufficient to pay off and discharge the present indebtedness of the county; and should the amount thus levied be not sufficient to pay off the liabilities, then the said county court shall, at its next October or November court of claims, levy an *ad valorem* tax sufficient to pay off and discharge the liabilities which may then be due.

§ 2. That the sheriff of Daviess county shall collect the tax provided for in the first section of this act; but before doing so, he shall execute covenant, with good securities, to the Commonwealth, for the faithful discharge of his duties in collecting and accounting for said tax, and paying over the same to such person or persons as the county shall direct, upon which bond suit may be brought in the name of the Commonwealth for use of said county court.

§ 3. Said tax shall be collected and paid over on or before the 15th day of December, 1867, and the sheriff shall be allowed the same commissions now allowed for collecting the State revenue.

§ 4. This act to take effect from and after its passage.

Approved January 30, 1867.

CHAPTER 1185.

AN ACT to authorize the County Court of Boone County to increase the County Levy in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Boone county court is hereby authorized to cause to be summoned the justices of the peace for said county, to attend and constitute a court for the purpose of revising the county levy for the year 1867, and, if necessary, increase the same sufficient to pay the amount of money borrowed by said county to pay the indebtedness of said county; same not to be increased to exceed three dollars on each tithe.

§ 2. This act shall take effect and be in force from its passage.

Approved January 30, 1867.

1867.

CHAPTER 1186.

AN ACT for the benefit of James M. Brown, late sheriff of Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Brown, late sheriff of Owen county, be, and he is hereby, allowed further time till the 15th day of June, 1867, to collect and pay into the treasury the revenue of said county, and return his delinquent list: *Provided*, That before the said late sheriff shall have the benefit of this act, his sureties shall appear before the county judge of said county in open court, and give their assent, to be entered of record, to remain bound as though this extension had not been given.

§ 2. This act shall take effect from its passage.

Approved January 30, 1867.

CHAPTER 1187.

AN ACT to change the time of holding the Edmonson County and Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the several county courts of Edmonson county shall commence and be held on the first Monday in each month; and the several quarterly courts for said county shall commence and be held on Tuesday after the first Monday in each month, in which said courts are now required by law to be held, instead of the times now specified by law.

§ 2. This act to be in force from and after the first day of March next.

Approved January 30, 1867.

CHAPTER 1188.

AN ACT to authorize the County Court of Hancock County to impose additional taxes, and execute bonds to erect Public Buildings in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of enabling the county court of Hancock county to erect a new court-house and such other public buildings as they may deem necessary, it shall be lawful for said court, a majority of the justices of the peace for said county being present and constituting part of said court, to impose an additional tax upon the assessed value of all property in said county liable to revenue tax, not to exceed the rate of twenty-five cents on each one hundred dollars' worth of property, and an

additional tax on each male over the age of twenty-one years, not to exceed two dollars per annum for such number of years, beginning in the year 1867, as the said court may deem necessary for the purpose aforesaid.

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§ 2. That the taxes aforesaid, when so levied by the said county court, shall be collected by the sheriff of Hancock county, in the same manner that the county levy and revenue tax of said county are now collected by said officer; and the same liens shall exist for this purpose as now exist for the county levy and revenue tax; and the sheriff and his sureties shall be liable for the collection and payment of the same, to the same extent that they are now by law liable for the collection of the county levy; and those having right to demand or receive the same from said sheriff, shall have the same rights and remedies against said sheriff and his sureties for said moneys, or any part thereof, that county creditors now by law have against them.

§ 3. The funds arising from the taxes hereby authorized shall be denominated "the court-house fund;" shall be kept separate from the other funds of the county, in the orders and accounts of said county, and shall be applied to the repairs and erection of such public buildings as the county court of said county have or may hereafter cause to be erected or done.

§ 4. That it shall and may be lawful for said county court, a majority of the justices of the peace being present and constituting part thereof, to authorize the presiding judge of said county to execute and deliver to any contractor, for the repairs or erection of public buildings, the obligations of said county, for not less than twenty dollars each, payable at such time as may be directed in said order, and bearing interest or not as said order may direct; and the presiding judge may execute and deliver such obligation to such contractor as may undertake any of said public buildings, and the said obligation shall be executed by the presiding judge, and attested by the clerk, and shall be payable to the order of the contractor to whom it is delivered, and shall be transferable by indorsement thereon as promissory notes are, and it shall express on its face that it is payable out of the court-house fund; and the legal holder of the same shall have all the rights and remedies against the sheriff and his sureties that other creditors of the county now have by law against the same parties, and the sheriff and his sureties shall be liable to the same damages for failing to pay the same to which they are by law liable for failure to pay other creditors.

§ 5. The clerk of the county court shall preserve a minute of the obligations so executed and delivered, specifying the dates, amounts, and names of the parties to whom de-

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livered, which shall be reported to and entered at large in the orders of the next regular monthly term of the county court; but the sheriff and all other county officers are hereby prohibited from purchasing said obligations, for a sum less than the amount specified to be paid therein, and for so doing they shall be liable to be fined, on presentment of the grand jury, not less than fifty dollars, at the discretion of the jury trying the same.

§ 5. That this act take effect from its passage.

Approved January 30, 1867.

CHAPTER 1189.

AN ACT to incorporate the Town of Allensville Station, in Todd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of
town.

§ 1. That Allensville Station, on the Memphis branch railroad, in the county of Todd, be, and the same is hereby, incorporated; the boundary of which is to be surveyed and laid off by, or under the direction of, F. Smith, Spencer Small, F. M. Wooldridge, S. T. Fortune, and John B. Lewis, beginning in the center of the railroad track, one half mile S. 43 W. from the northwest corner of the depot buildings; thence at right angles from said road N. 47 W. one half mile; thence at right angles, running parallel with said road N. 43 E. one mile; thence at right angles S. 47 E., crossing said road, to the Logan county line; thence with said line south to a point in said line where N. 47 W. will strike the beginning; the plat of said survey shall be made out and filed in the office of the Todd county court, and the clerk of said court be, and he is hereby, directed to record the same, and when recorded, the boundary therein shall be known by the name and style of the town of Allensville; and the said F. Smith, S. Small, F. M. Woolldridge, S. T. Fortune, and John B. Lewis, are hereby appointed a board of trustees of said town of Allensville, who shall continue in office until the first Saturday in May, 1867, and until their successors are duly elected and qualified; they and their successors, before entering upon the duties of their office, shall, in addition to the oath prescribed by the Constitution, take an oath before some justice of the peace, police or other judge for Todd county, "that they will faithfully and without partiality, favor, or affection to any one, discharge the duties of trustees of the town of Allensville during their continuance in office;" they shall record a plat of the survey of said town, which shall form part of their record.

First board of
trustees.

§ 2. That hereafter the prudential, fiscal, and municipal concerns of Allensville shall be vested in the five trustees appointed by this act, and their successors, who shall be elected annually on the first Saturday in May, by the qualified voters resident in said town; said trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and duly qualified; and when a vacancy may occur from any cause, the board of trustees shall have power to fill the same until the next annual election; that the board of trustees appointed by this act, and their successors, shall be a body-politic and corporate, and shall be known by the name and style of "the board of trustees of the town of Allensville;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters and things whatsoever, and do all acts, matters and things, which a body-politic or corporate having perpetual succession can lawfully and rightfully do; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

§ 3. That said trustees, after their qualification, shall elect one of their number chairman, who shall preside over the deliberations of said board when convened, and have power to convene the same, when, in his opinion, the interest of the town demands it; it shall be his duty to see that all the ordinances and by-laws of said town are duly executed; they shall elect one of their number clerk, who shall keep a fair record of all the proceedings of the board, which shall be open for the inspection of any person desirous of seeing the same, and do and perform such other service as the board may require; they shall elect one of their number treasurer, who shall receive all moneys collected, and pay the same to the order of the board; it shall be the duty of the treasurer to render to said board an account of all moneys received and paid out by him, whenever requested so to do; said treasurer shall execute bond, with approved security, for the faithful performance of his duty, payable to the board of trustees of the town of Allensville, and their successors in office, in such penalty as said board may direct; they shall elect one of their number assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this Commonwealth or any ordinance of said town; which lists shall be taken in the same manner that the revenue lists are now or may hereafter be taken, and return or deliver the same to the clerk of the board of trustees, whose duty it shall be to make out and deliver a fair

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Municipal concerns vested in trustees.

Body politic and corporate powers.

Chairman—his powers & duties

Clerk—his duties.

Treasurer—his duties.

Assessor—his duties.

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Regular meet-
ings.

copy of the same to the collector hereinafter provided for, and take his receipt therefor; and the trustees shall, by their warrant, authorize and direct the collector to collect the same; and shall make said clerk, assessor, collector, and other town officers, such compensation as they may deem proper. The regular meetings of said board shall be on the first Friday in each month, when a majority shall constitute a quorum for the transaction of business; all business transacted at a called meeting shall be as valid as though transacted at a regular meeting, provided that four trustees are present.

May make con-
veyances, &c.May levy and
collect taxes.May tax auc-
tions, &c.

§ 4. That said trustees, or a majority of them, shall have power, to make or receive all necessary conveyances in relation to said town; they shall have power to open streets, alleys, and passways in said town, and have power over the same, and may direct the improvement of the same as they may deem most beneficial to the interest of the town; they shall have power to levy and collect an *ad valorem* tax on the property in said town, not exceeding twenty-five cents on the one hundred dollars in any one year, and a poll-tax on each male person over the age of twenty-one years, not exceeding two dollars; they shall have power to tax auction sales, shows, and exhibitions for money or profit, such sum as they may deem proper and just, or as may be, from time to time, provided in their ordinances or by-laws; they shall have the power to suppress all tippling and gambling-houses, and to fine all those who may violate their by-laws and ordinances any sum not exceeding ten dollars, except for riots, routs, unlawful assemblies, breaches of the peace, when the penalty may be fifty dollars, and for disturbance of religious worship, tippling-houses and gambling-houses, the penalty may be one hundred dollars, which may be recovered before the judge of Allensville police court hereinafter provided for; they shall have the right to tax and the right to license all taverns, groceries, victuallers, confectioneries, restaurants, coffee-houses, retailers of spirituous liquors, alleys for nine or ten pins, billiard, Jenny Lind, or other tables for recreation or amusement, and all other houses of public resort in said town, except gambling-houses or houses of ill-fame, and fix the tax therefor, in any sum not exceeding two hundred dollars per annum, and to discontinue any of said licenses at pleasure: *Provided, however,* That the treasurer of the board of trustees shall pay to the trustee of the jury fund for Todd county the sum of ten dollars for each tavern license in said town each year; and any law giving the county court of Todd county authority to license taverns, merchants, and druggists to sell spirituous liquors, is hereby repealed; but the license which any tavern-keeper, merchant, or druggist has obtained, shall be good until the

time shall have expired for which it was obtained: *Provided further*, That nothing in this act shall be so construed as to authorize the person to whom a license may be granted by said trustees, before such person or persons shall obtain such a license from the clerk of the Todd county court, as the statute laws of the State require, authorizing such sale or use for the period for which the board of trustees of said town have granted a license: *Provided*, That no change in this section or act shall be so construed as to dispense with any license or tax now required by law to be paid into the treasury or jury fund of the State.

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§ 5. That there is hereby created and established in said town a police court, to be known and styled "Allensville Police Court," the officers of which shall consist of a judge and marshal; S. T. Fortune is hereby appointed judge of said court, who shall continue in office until the first Saturday in May, 1867, and until his successor shall be duly elected and qualified; W. M. Bagby is hereby appointed marshal of said court, who shall continue in office until the first Saturday in May, 1867, and until his successor shall be duly elected and qualified; said judge and his successors shall be commissioned by the Governor, and, before entering upon the duties of his office, in addition to the oath prescribed by the Constitution, take an oath before some justice of the peace, police, or other judge for Todd county, "that he will, to the best of his ability, faithfully, and without partiality, favor, or affection to any one, discharge the duties of judge of Allensville police court, during his continuance in office;" said marshal and his successors shall, before entering upon the duties of his office, in addition to the oath prescribed by the Constitution, take an oath before the judge of said police court "to faithfully and impartially, without favor or affection to any one, discharge the duties of marshal of Allensville police court, during his continuance in office;" and shall execute a bond, with one or more good and sufficient securities, to be approved by said judge, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, with the same conditions of a constable's bond, and the same may be put in suit for a failure to perform the conditions of said bond by any one injured, in the same manner as suits are now authorized to be brought on a constable's bond; and said marshal and his sureties shall also be subject to motions against them before said police court, or other tribunals having jurisdiction, for a failure of duty, or to pay over money to the person entitled to receive the same, under the same rules, regulations, and restrictions, as motions are authorized to be

Police court established.

Police judge to be commissioned by Governor.

Take oath, &c.

Additional oath of marshal.

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made against constables; that said judge, so soon as said bond is executed, shall attest the same, and deliver it to the clerk of the Todd county court, who shall carefully preserve and file it in his office, and shall give attested copies when required so to do by any person, which shall have the same force and credit in all courts of justice as other records from said office are entitled to under existing laws; said clerk shall receive therefor such fees as are allowed by law for similar services.

Judge to be
elected, term of
office, &c.

To be conser-
vator of the
peace, powers,
&c.

§ 6. That the persons entitled to vote for trustees of said town shall, at the time and place of the election of trustees in 1867, and every four years thereafter, elect a judge of Allensville police court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified; and when a vacancy occurs in said office, by death or otherwise, it shall be filled by an election for the remainder of the term, upon ten days' notice being given in three or more public places in said town, of the time and place of said election, by the board of trustees, or any two of them; the judge appointed by this act, and his successors when elected, commissioned, and qualified, shall be a conservator of the peace throughout Todd county; his jurisdiction, both civil and criminal, shall be the same as that which now is or may hereafter be conferred by law on justices of the peace, except as a court of inquiry in criminal cases, in which he shall have the jurisdiction of two justices of the peace, and shall proceed in like manner; he shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power and authority to compel witnesses to attend and give evidence in causes pending before him, or to give their depositions, and to enter judgment, and award execution accordingly, and to fine and imprison for contempt: *Provided*, The fine in no case shall exceed ten dollars, and the imprisonment not longer than twenty-four hours. He shall have power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat* and *habeas corpus*, and receive returns of the same: *Provided*, No defendant in any civil suit shall be compelled to go out of his justices' district to attend trial before said judge, unless said defendant, in writing, signed by him, shall agree so to do; he shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, or other officers of said town, for all sums of money or other thing which may be due from them, or either of them; he shall have power to take depositions, and certify the same, and his certificate to such depositions shall have the same effect as though made by a justice of the peace or an examiner; he shall keep his own records, and shall be subject to the same penalties imposed on justices of the peace for violations of duty;

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he shall keep a docket of causes in the order in which they are tried, showing the various steps taken therein, the judgment, issual, and return of execution, and shall safely keep all papers in every cause tried by him, and make and keep a complete index to his records and execution book; he shall be allowed the same fees in civil cases that justices of the peace are now or may hereafter be allowed for similar services, and shall be allowed and entitled to the following fees for other services, to-wit: for granting injunctions, attachments, restraining orders, writs of *ne exeat*, *habeas corpus*, or peace warrant, one dollar; for issuing a warrant for a breach of the peace, riot, rout, or unlawful assembly, and swearing a jury and presiding over the trial, one dollar; for a warrant for any of the violations of the by-laws or ordinances of said town, fifty cents; for judgment, fifty cents; for recording same, fifty cents; he shall have power and authority to issue fee bills, and collect them in the same manner as justices of the peace; he may direct any or all precepts to the marshal of Allensville police court, the sheriff, or any constable of Todd county; he shall hold a court for the trial of civil causes on the first Monday in February, May, August, and November, and continue five days, if the business require it.

§ 7. Appeals may be taken from the judgment of said court, in the same manner, and under like restrictions, as are taken from judgments of justices of the peace, and to the courts having like jurisdiction of them.

Appeals may be taken.

§ 8. That certified copies of the official acts, records, and proceedings of said court, shall be evidence, and have the same effect as records of justices of the peace.

Certified copy of proceedings to be evidence in other courts.

§ 9. The judge of said court shall be removable in the same manner, and for the same causes, that justices of the peace are now or may hereafter be removable.

Judge may be removed.

§ 10. That the persons entitled to vote for trustees of said town shall, at the time and place of the election of trustees in 1867, and every two years thereafter, elect a marshal of Allensville police court, who shall hold his office for the term of two years, and until his successor is duly elected and qualified; and if a vacancy occurs in said office from any cause, it shall be filled by the judge of said court, as vacancies in the office of constable are now filled by the judge of the county court; the marshal appointed by this act, and his successors when elected and qualified, shall be a conservator of the peace throughout Todd county; he shall have the same power and authority to execute all original, mesne, and final process, issued by the judge of said police court, or other tribunal or officer, as a constable may now or hereafter have; in doing which, he may go to any part of the county, and shall be governed in the service and execution of process by the same rules, regula-

Marshal to be elected—his powers.

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tions, and laws, that now is or may hereafter govern them in the service and execution of process, and shall be alike liable for property held by virtue of a process, or for money collected by him; it shall be his duty to serve all process and precepts to him directed from the said police judge, and make due return thereof; collect all taxes of said town, executions, and other demands, which may be put into his hands to collect, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; he shall have the same power and be entitled to the same fees for collecting the town tax and levy that sheriffs have for collecting the State and county levy, and in all other cases the same fees allowed constables in similar cases; he shall be vested with all power and authority which is given constables, in all cases cognizable before said police judge, or before a justice of the peace; he shall have power, if need be, to summon the aid of the county in executing any process to him directed; and any person failing or refusing to aid him when so summoned, may be fined by said police judge, not exceeding five dollars, or imprisoned not exceeding ten hours.

To hand over
official papers
to his success-
ors.

§ 11. That each successive marshal, elected as herein directed, when he goes out of office, shall deliver to his successor such official papers as may need further official action.

Elections—how
conducted.

§ 12. That all elections authorized by this act shall be held by the board of trustees of said town, or any two of them, who shall preside as judges, and shall have power to appoint a clerk, to all three of whom an oath shall first be administered by some justice of the peace, police or other judge for Todd county, "faithfully and impartially to discharge the duties of judges and clerk of said election according to law."

Persons con-
ducting elec-
tions may ad-
minister oath.

§ 13. That any one of said trustees holding said election as judge thereof, shall have power and authority to administer an oath to any one offering to vote; and for false swearing or illegal voting, the offender shall be subject to the same punishment, and the same penalties, and be proceeded against in the same as are prescribed by the general laws of this Commonwealth for like offenses.

Part of elec-
tion to be certi-
fied to county
clerk.

§ 14. That the officers holding said election shall make out and sign a certificate showing the result, and hand the same to the clerk of the Todd county court, who shall immediately record the same in a book, to be by him procured and kept for that purpose; and said clerk shall receive such compensation therefor as is now allowed by law for similar services, to be paid out of the corporate funds of said town.

§ 15. That the clerk of said county court, so soon as he receives said certificate, shall forward by mail an attested copy of the same to the Governor of this Commonwealth, so far as the election of said police judge is concerned, who shall thereupon issue a commission to the person thus returned elected as police judge of said town, and forward the same to his address.

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Clerk to forward same to Governor.

§ 16. That the persons elected to office under this act shall possess the same qualifications as voters.

Approved January 30, 1867.

CHAPTER 1190.

AN ACT to incorporate the Commonwealth Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Barret, Gavin H. Cochran, Lyttleton Cooke, A. A. Gordon, J. J. Porter, Arthur Peter, M. L. McKee, William Kendrick, James Bridgeford, and Henry J. Stites, together with their associates, successors, and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name of the "Commonwealth Insurance Company of Kentucky;" and by that name shall have succession for thirty years; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change, alter, abolish, and renew the same at will; and said company shall have all other powers and rights usual and incident to corporations; and may do such acts and things as may be deemed advisable: *Provided*, The same are not contrary to law.

Corporators' names, and corporate powers.

§ 2. The capital stock of said company shall consist of five thousand shares, of the par value of one hundred dollars each; but may be increased from time to time, as the board of directors may determine, to thirty thousand shares of the same par value; and the board of directors may cause the books for subscriptions to the capital stock of said company to be continued open until the whole of the stock is subscribed, or they may hold, sell, or otherwise dispose of the same, as they may deem proper; and the stock of said company shall be held to be personal estate, and pass as such, and shall be sold and transferred as the by-laws of the company may prescribe; and whenever the number of one thousand shares of the capital stock of said company has been subscribed for and paid in, or secured to be paid according to the terms which may be prescribed by the persons hereinafter authorized to open books for the

Capital stock.

Stock personal estate.

When to proceed to business.

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Commissioners
to open books.

same, said company may proceed to business, and shall be vested with all the powers and rights conferred by this act.

§ 3. The persons named in the first section of this act may open books for and receive subscriptions to the capital stock of said company, at such times and places, and subject to such rules, regulations, terms, and conditions, as they may consider proper; and they shall fix the amount to be paid upon each share of stock at the time it is subscribed for, and the manner of securing the payment of the remainder, and prescribe in the subscriptions what failures shall authorize a forfeiture of the stock subscribed for; and all payments which shall have been made on any stock declared forfeited shall be held for the use and benefit of said company; and said company shall have a prior lien on the shares of the stockholders to secure any indebtedness or liability by them to it: *Provided, however,* That no person whose stock shall be declared forfeited shall thereby be released from his or her liability as a stockholder for the liabilities of said company.

Who to man-
age business of
company.May make
by-laws, &c.May appoint
executive com-
mittee.Officers to be
appointed, &c.

§ 4. The property, business, and affairs of said company shall be managed and controlled by a president and board of directors, to consist of as many stockholders as may be prescribed by the by-laws; and the president and board of directors may, from time to time, enact and put in force such rules, by-laws, and regulations for the conduct, management, and government of said company, its property, business, and affairs, as they may deem proper, and alter, amend, and repeal the same at will; they shall prescribe the number of directors necessary to constitute a quorum for the transaction of business; they may also appoint an executive committee, to consist of the president and two other directors; and said committee may, when the board is not in session, exercise all the powers vested in said company, except where it has been otherwise provided in the by-laws; and the president and directors may provide for electing or appointing, as they may see fit, such officers, agents, and employees as may be deemed advisable, who shall hold their offices and places during the pleasure of the president and directors, or executive committee; they may prescribe their qualifications, powers, and duties, and may require of any or all of them bonds in such penalties as may be deemed proper to secure the faithful discharge of their respective duties; and upon any bonds thus taken, recovery may be had for breaches of the conditions thereof.

Board of
directors.

§ 5. The persons named in the first section of this act, and such others as they may see fit to choose, are hereby constituted a board of directors for said company, to serve as such until the first election by the stockholders, and until others are chosen, and shall organize by electing one of

their own number president of the company; and the first election of directors by the stockholders shall be held on the first Monday in February, 1870, and annually thereafter, due notice of which shall always be given in a newspaper published in the city of Louisville, Kentucky, at least ten days preceding each election. The elections for directors shall be held at the home office of the company, under the inspection of a committee of stockholders, to be appointed by the president and directors, and each stockholder shall be entitled to one vote for each share of stock he or she may own, and may cast the same in person or by proxy; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in execution thereof; and all vacancies occurring in the board of directors, from any cause, may be filled by the remaining directors until the next general election by the stockholders; and should any of the said persons named in the first section of this act fail or refuse to become stockholders, and act as directors, in accordance with such terms and conditions as may be prescribed by a majority of them, his or their place or places may be deemed and treated as vacant, and such vacancy or vacancies may be filled by the remainder.

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President to be chosen.

Election of directors where held, and how conducted.

Vacancies—how filled.

§ 6. Said company is hereby fully authorized and empowered, in its corporate name, to receive, lease, purchase, or otherwise acquire and own, hold, possess, occupy, enjoy, and control, in any manner whatever, such real, personal, and mixed property, goods, chattels, choses, and other things, as may be deemed desirable, not exceeding two hundred and fifty thousand dollars, and may grant, bargain, sell, convey, or otherwise dispose of, as a natural person, any property, interest, or thing, that may have been in any manner or way acquired by it.

May acquire & hold real and personal estate.

§ 7. Said company is hereby fully authorized and empowered to make any and every kind and description of insurance on persons, property, and things, of any and every sort, kind, and description against loss, damage, or injury of any and every sort, kind, nature, and description, and from any cause whatsoever, for such considerations, and upon such terms and conditions, and subject to such rules, regulations, and restrictions, as may be designated, expressed, and contained in the respective policies, certificates, and contracts issued in due form by the company; and it shall be lawful for said company to reinsure any risk, or any part of any risk, on which it may have made insurance.

May make insurance on all kinds of property, &c.

§ 8. The home office of said company shall be located in the city of Louisville, in the State of Kentucky; but the president and directors may establish branch offices for transacting and doing business at such other points in and

Home and branch offices.

1867. out of the State of Kentucky as they may deem advisable, and may, if they shall see proper, appoint advisory boards or committees near their branch offices, and prescribe their qualifications, powers, and duties; and said president and directors may do all other acts and things that they may deem desirable and expedient in advancing the general interest and welfare of the company: *Provided*, The same are not contrary to law.

§ 9. This act shall take effect and be in force from its passage.

Approved January 30, 1867.

CHAPTER 1191.

AN ACT to amend the Charter of the Grassy Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said company be, and is hereby, so amended as to permit said company to terminate said road at a point on the Mt. Sterling and Winchester turnpike road, not exceeding one and one half miles east of the Clark county line.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1867.

CHAPTER 1192.

AN ACT to amend an act, entitled "An act to revive and re-enact an act to incorporate the Ford's Mill Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act to revive and re-enact an act to incorporate the Ford's Mill turnpike company," approved February 17th, 1866, be, and the same is hereby, amended so as to authorize the said corporators, in their discretion, to commence at Ford's gate, at the cross pike from Mortonville to the Mundy pike; thence through the lands of A. Ford's heirs, Warren Lillard, Willis Bostins, John Bostins, and the land of James P. Ford, to the Ford Mills.

§ 2. This act to take effect from its passage.

Approved January 31, 1867.

CHAPTER 1193.

1867.

AN ACT changing the line between voting Districts in Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between voting districts No. 1 and No. 4, in Adair county, be, and is hereby, so changed as to include Sydney Murrah in district No. 1, in said county, and that he shall be entitled to vote in said district until this act is changed.

§ 2. This act shall take effect from the date of its passage.

Approved January 31, 1867.

CHAPTER 1194.

AN ACT allowing the Ohio County Court to establish an additional Election and Justices' District in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Ohio county court, in the month of February or March, 1867, to lay off election and justices' district, No. 7, in Ohio county, into two districts, making two voting places in Hartford; and each of said districts shall, at the next general election in May, elect two justices of the peace and one constable.

§ 2. This act shall take effect from its passage.

Approved January 31, 1867.

CHAPTER 1195.

AN ACT to amend the Charter of the Louisville House of Refuge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter and amended charters be, and the same are so amended, that the courts shall have no power to commit to said house boys who are over the age of sixteen years, nor under the age of seven years old.

§ 2. That it shall be the duty of the court to certify the age of said boy in the order of commitment.

§ 3. That this act shall take effect and be in full force from and after its passage.

Approved January 31, 1867.

1867.

CHAPTER 1196.

AN ACT establishing additional voting places in Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place be, and is hereby, established in the Mount Vernon precinct (or district No. 2), in Christian county, within the limits of the town of Fairview, on the north side of Main street, in said town. Also, an additional voting place in the Pembroke precinct, or district No. 3, in said county, within the limits of said town, and on the south side of Main street.

§ 2. The officers for holding elections at said voting places shall be appointed as now provided by law; and the place for voting, as established by this act, shall be designated by the county judge; and, upon his failure to do so by the day of election, by the judges and sheriff appointed to open the polls.

§ 3. This act shall be in force from its passage.

Approved January 31, 1867.

CHAPTER 1197.

AN ACT to establish an additional voting place in the Canton Precinct, in Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place be, and is hereby, established in the Canton precinct, or district No. —, in Trigg county, within the limits of the town of Linton.

§ 2. The officers for holding elections at said voting place shall be appointed as now provided by law; and the place for voting, as established by this act, shall be designated by the county judge, and, upon his failure to do so by the day of election, by the judges and sheriff appointed to open the polls.

§ 3. The county judge shall, by an order entered upon the order book of the county court, so divide the precinct as to indicate what voters within said precinct shall vote at the voting place established by this act; and shall cause the same to be posted for at least one month at not less than three conspicuous places within said boundary.

§ 4. This act to take effect from its passage.

Approved January 31, 1867.

CHAPTER 1198.

1867.

AN ACT in relation to the Stone School-house in Montgomery County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Montgomery be, and is hereby, empowered to appoint three trustees for the "Stone school-house," situated in Montgomery county, Kentucky, on the waters of Grassy Lick; being the same conveyed by deed by William Jeans to Jonathan Taul and others, for school purposes.

§ 2. That said trustees may file a petition in the Montgomery circuit court for a sale of said property; and the judge of said court may, on proof, if he deem it advisable, order a sale thereof; and shall make such orders respecting the fund arising from the sale thereof, as he shall think best for the educational interests of Montgomery county.

§ 3. This act shall take effect from its passage.

Approved January 31, 1867

CHAPTER 1199.

AN ACT to amend the several acts incorporating the Town of Falmouth, in Pendleton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Falmouth, Pendleton county, Kentucky, as laid off in pursuance to an act approved February 1st, 1811, the plat and plan of which is recorded in the Pendleton county court clerk's office, in deed book (B), page 398, shall be known, and is hereby declared, to be the extent and limits of said town.

Limits of town declared.

§ 2. That hereafter the fiscal, prudential, and municipal concerns of said town shall be vested in four trustees and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the first Saturday in February, by the free white male inhabitants, over the age of twenty-one years, who shall have resided in said town three months previous to said election, and are qualified voters by the laws of this State.

Trustees, police judge, & town marshal.

§ 3. That the police judge, trustees, and town marshal, shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer, that they will support the Constitution, and faithfully and without favor or affection to any one, discharge the duties of their office during their continuance in office.

Term of office.

1867.

Eligibility of
police judge.
&c.

§ 4. That no person shall hold the office of police judge, trustees, or marshal, who is not, at the time of holding the same, a citizen of said town, and who has not resided therein at least six months previous to his or their election, and shall be at least twenty-one years of age.

Body politic
and corporate
powers.

§ 5. That said police judge and trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Trustees of the town of Falmouth;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use either a common or private seal, and do all other acts, matters, and things which a body-politic and corporate, having perpetual succession, can lawfully and rightfully do within the limits of the powers herein granted.

Further powers

§ 6. That said board of trustees shall have power to make and receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, and sidewalks now in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State; they shall have power to levy and collect a poll-tax, not exceeding annually two dollars on each tithable, and also an *ad valorem* tax on the property of the citizens of said town, both real, personal, and mixed, including everything now taxed for revenue by the laws of this State, and on the real estate in said town owned by non-residents of said town, not exceeding annually one dollar on each one hundred dollars' worth; they shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within the town, or within one mile thereof, also studs, jacks, and bulls, in any sum not exceeding twenty dollars; they shall have power to declare what are nuisances within said town, and by their order direct the same to be abated and removed, and may impose a fine on whomsoever may have caused the same; they shall have power to provide for the security of the town against fire, by organizing one or more fire companies, defining their duties, and punishing by adequate penalties those who fail to perform the duties required of them; they shall have power to regulate the markets, and appoint a market master; they shall have power to appoint a coal and wood measurer, define his duties, and fix his fees; they shall have power to purchase and receive conveyances for any quantity of ground, either

within or without the limits of said town, not exceeding ten acres, for a cemetery, or to erect a poor or work-house thereon, and may ordain and declare the rules and regulations for the government of the same, and to appoint all necessary officers thereof, with such compensation as said trustees may direct; and they shall have power to erect or engage a house as a watch-house, for the confinement of all persons violating the ordinances of said town, and for crimes and misdemeanors committed, which can be punished by confinement in the county jail by the laws of the State.

1867.

§ 7. That said board of trustees shall have power, and the exclusive control and right to grant licenses for the sale by retail of all spirituous, vinous, or malt liquors within said town, or within one mile of said town; and no person shall have the right to sell spirituous, vinous, or malt liquors in said town, or within one mile thereof, without first having obtained a permit or license from said trustees, any law or statute to the contrary notwithstanding; they shall have the power to tax all taverns, tippling-houses, and merchant's licenses, not exceeding three hundred dollars, and all ale and beer saloons, not exceeding one hundred dollars: *Provided*, That nothing in this act shall excuse said persons from paying the tax to the State, and obtaining their license from the county court, and executing bond as now required by law.

May grant
license for sale
of liquors.

§ 8. That it shall be the duty of said trustees annually, (after their election) to appoint a clerk, treasurer, collector, assessor, and overseer of the streets and alleys, and such other officers as they may deem necessary, and take from the treasurer and collector bond, with approved security, payable to the board of trustees of the town of Falmouth, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of either of said officers, motions may be made, or suits brought before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have the power to remove either of them for failure to do their duty, and to appoint others in their place.

Officers to be
appointed.

§ 9. That it shall be the duty of the clerk to keep a record of the proceedings of said trustees, to draw all orders on the treasurer for the payment of money, when ordered by said trustees, and to issue license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax; and do all other acts which the trustees may legally require of him.

Duty of clerk.

1867.

Duty of treasurer.

§ 10. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town, subject at any time to the order of the trustees, attested by their clerk, and to render annually an account to the trustees, and oftener if required by them so to do.

Duty of collector.

§ 11. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer; and to make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected and who from, and the names of the delinquents, and the amount due from each; whereupon the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquents' property, either personal, real, or both, as may be sufficient to pay and satisfy the amount of the tax and costs that may be due, and in pursuance of which order the collector shall make the said levy, and, after having advertised the said property for sale at the court-house door in said town, for at least fifteen days, shall thereupon proceed to sell at some public place so much as may be necessary to pay the tax and costs due thereon to the highest bidder, to whom the said collector shall give a certificate of his purchase, upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of the board of trustees, a deed of conveyance of the property described in said certificate (warranting alone against themselves), at any time after twelve months from the time of sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the said trustees of the payment or tender of the amount of said purchase money and costs, with fifty per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the trustees shall have a lien on all property in said town, both real and personal, for the tax; and the collector shall have the power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list: *Provided, however,* That non-residents of the county shall have two years to redeem in, under the same regulations above provided for others, with the addition of twenty-five per cent. more if not redeemed in the first year: *And provided further,* That infants, femes covert, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs, and twenty-five per cent. per annum from the time of sale.

§ 12. That it shall be lawful for said trustees to enter up an order directing the citizens of said town, or any portion thereof, or lot-holder, whether residing in said town or any other place, to pave a foot-walk in front of their respective lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order to pave said foot-walk, to have the same done, and the property in front of which said foot-walk is made shall be responsible for the expense, and may be sold in the same manner as is provided in section 11 for sale of property for tax.

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May cause foot-walks to be made.

§ 13. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the Governor of the State the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge or justice of the peace, and certified by him, whereupon the Governor shall cause a commission to be issued to him as "police judge of the town of Falmouth" for one year, and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town; and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction; and as a court of inquiry in criminal cases, he shall have the jurisdiction of two justices. He shall have power to fine and imprison for contempt, not exceeding five dollars fine or three days' imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him, where a jury would be required before a circuit court or a justice of the peace. He shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in the county of Pendleton, and for the due and efficient exercise of the power herein and hereby vested in him; he shall have power to award process, and issue writs as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction, agreeable to the usages and principles of law. It shall be the duty of said police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge, in the

Election of police judge to be certified to Governor, and he to commission.

Powers of police judge.

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same manner as appeals from justices of the peace in similar cases; and said judge shall hold his courts for the trial of civil causes quarterly, at such times as he may designate. He shall keep a docket, order book, and an execution book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

Powers and
duties of mar-
shal.

§ 14. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from said police judge, or justice of the peace, or county judge, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands to collect, and pay the same over to whosoever may be entitled thereto, under the same rules and regulations required by law of constables in the collection of executions and other demands. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Vacancies—
how filled.

§ 15. That whenever a vacancy occurs by death, resignation, or otherwise, in the office of police judge, town marshal, or trustees of the town of Falmouth, that a majority of the remaining board of trustees shall cause an election to be held to fill said vacancy, after having first given three days' notice of the same; and said election shall be held and conducted in the same manner as regular elections: *Provided*, That more than one half of the term of service shall have expired; then the board of trustees shall appoint some suitable person to serve the balance of the unexpired term.

Fines to be
paid into town
treasury.

§ 16. That all fines and forfeitures for the breach of any by-law or ordinance of said town, or for the violation of any penal law committed within the limits of said town, whether tried before the police judge, justice of the peace, or county judge, shall be paid over to the treasurer for the use and benefit of said town, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

Fees of police
judge.

§ 17. That the police judge shall be entitled to charge and collect the following fees, viz: for issuing a warrant in a civil case, twenty-five cents; for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, one dollar; for a warrant for a violation of a by-law or ordinance of said town, when the trustees are plaintiffs, fifty cents; for swearing a jury and presiding over a trial in any case, except forcible entry and detainer, one dollar, to be charged to the applicant, and for any and all other services the same fees as are now allowed justices of the peace for similar services.

§ 18. That the fees of the marshal shall be the same as are now allowed to constables.

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§ 19. That the collector shall be allowed and entitled to the same fees as sheriffs for similar services.

Fees of marshal
Fees of collector.

§ 20. That the board of trustees shall, from year to year, fix the amount to be paid to the clerk, assessor, and street overseer, for their services.

Pay of clerk,
&c., to be fixed
by trustees.

§ 21. That, previous to each annual election, the trustees shall appoint three suitable persons to hold said election, who shall, on the first Saturday in February, at nine o'clock, A. M., open the polls for the election of the officers provided for in this chapter, and keep the same open until four o'clock, P. M., and shall return under oath to the clerk of said trustees a just and true list of all the votes cast, immediately after the close of the polls.

Persons to hold
elections to be
appointed.

§ 22. That the citizens of said town and the property thereof shall be exempt from the operation of the road law.

Citizens of
town exempt
from working
roads.

§ 23. That all general laws applicable to towns, not inconsistent with this charter, shall be applicable to the town of Falmouth, and the trustees shall have power to pass any by-laws to enforce their provisions.

General laws
made applica-
ble.

§ 24. That all of the provisions of the former charter and amendments thereto, of the town of Falmouth, conflicting with this, are hereby repealed.

Conflicting
laws repealed.

§ 25. That this charter shall go into effect from and after the passage thereof.

§ 26. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved January 31, 1867.

CHAPTER 1200.

AN ACT for the benefit of the sureties of Walter B. Simmons, late Sheriff of Meade County.

WHEREAS, Walter B. Simmons, late sheriff of Meade county, executed his bond for the collection of the revenue of said county for the year 1863, with David Henry, R. R. Jones, J. Luckett, E. C. Ashcraft, Orin W. Powell, Ed. Rhodes, Edward W. Johnson, S. B. Neafus, John Powell, Collins Fitch, and Richard Kay, his sureties, and for 1864, with R. R. Jones, James Luckett, Ed. Rhodes, Collins Fitch, Ben Neafus, and Richard Kay as his sureties; but, owing to the disturbed condition of the county, and the arrest of said sheriff, taking from him his books and papers, and the present want of security to those who endeavored to coerce the payment of the taxes from those owing the same for those years, and it appearing that Collins Fitch, one of the

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sureties, has collected and paid over to the Treasury of the State the sum of two thousand four hundred and twenty-nine dollars and fourteen cents—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the said Fitch and his co-securities shall well and truly pay into the Treasury the sum of two thousand five hundred dollars, exclusive of any sums heretofore paid in by the sureties, or collected by the sheriff on execution, or any greater sum than that amount (should the same be collected), on or before the first day of November, 1867, then, and in that event, he and his co-securities shall be released from the obligation of their bonds.

§ 2. That the said Fitch, who is now collecting the taxes aforesaid, under and by virtue of an order of the Meade circuit court, have until the first day of November, 1867, to return to the Auditor the delinquent list for the years 1863 and 1864.

§ 3. That the said Fitch, in the collection of the taxes and fee bills aforesaid, shall have power to coerce the payment of the same, as sheriffs have in such cases, and that he shall not be restrained in the collection of the same by reason of the lapse of time or any statute of limitation, and be subject to all the penalties imposed for illegal distraint.

§ 4. That after the payment of the two thousand five hundred dollars, it shall be the duty of the said sureties to return to the county court of Meade all evidences of dues and balances due from citizens to Simmons, whose duty it shall be to list the same with the sheriff of Meade county, or other collecting officer, who shall have the right to collect the same as other taxes and fee bills, and receive for compensation ten per cent. for all sums collected, and pay the same into the Treasury.

§ 5. This act to be in force from and after its passage.

Approved January 31, 1867.

CHAPTER 1201.

AN ACT to suppress Public Drinking Houses in Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws now in force by which any court, board of trustees, or other authority, has power to grant license to sell by retail any spirituous or intoxicating liquors, or mixtures of the same, in the county of Hart, be, and the same are hereby, repealed, so far as the said county is concerned; but this repeal is not to be construed to prevent the sale by the quantity by merchants as now regu-

lated by law, nor to interfere with the sale of liquors by druggists in the ordinary and legitimate conduct of their business.

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§ 2. This act shall go into effect from its passage, and all licenses to retail liquors granted after its passage shall be void.

Approved February 1, 1867.

CHAPTER 1202.

AN ACT to incorporate the Walnut Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. P. Shelby, R. P. Todhunter, Thomas H. Shelby, jr., Isaac McIsaac, and W. B. Kinkead, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of "The Walnut Hill turnpike company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered; plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, and change the same at pleasure.

§ 2. That said company is hereby authorized and empowered to construct a turnpike or macadamized road from the Lexington and Richmond turnpike road, near Walnut Hill, where the present Walnut Hill and East Hickman road intersects said turnpike; and running thence along or in the direction of said Walnut Hill and East Hickman road, to such point at or near the Lexington and Tate's Creek turnpike road as may be deemed proper by the company; and in order to secure the funds necessary to construct the same, shall have power to raise a sum, by issue and sale of the capital stock not exceeding forty thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock shall be opened in the city of Lexington, and at such other places as may be deemed best, under the direction of the persons heretofore named, all of whom are hereby made commissioners for the purpose of obtaining subscriptions to the capital stock of said company; and they shall provide a book or books for the subscription of stock, in which they shall cause to be written the obligation of each person subscribing for said stock; and when the president and directors shall be chosen as hereinafter provided, they shall have full control of said books, and may cause the same to be opened from time to time, until the entire amount of stock herein mentioned is subscribed.

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§ 4. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of the work on said road, they shall call a meeting of the stockholders and hold an election for president and five directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That, should a vacancy occur, the remaining directors shall fill the same by appointment; and should the offices of all the directors become vacant, any three stockholders may call a meeting to elect their successors; the directors shall have power to appoint a secretary and treasurer, and such other officers and agents as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall execute a bond, with security to said company, for the faithful performance of the duties of his office.

§ 5. That said corporation shall have power to acquire, hold, or sell, real or personal estate, as the same may be deemed necessary in the construction of said road, and to do all other acts and things necessary in the exercise of the power herein expressly conferred.

§ 6. That the entire width of said road shall not exceed forty feet, and the macadamized part thereof shall not exceed twenty feet. Whenever three miles or more of said road shall be completed, the directors shall call upon the two justices of the peace residing nearest thereto, and not interested therein, to examine the same; and if they shall, by a written statement to be filed with the county court of the county in which said three miles or the greater part thereof is situated, certify that the same is done in a good and substantial manner, then the said company may erect a toll-gate on said road, and may charge and collect from persons traveling on or using the same, and apply the proceeds to the completion of said road, after paying expenses thereof.

§ 7. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be parts hereof.

§ 8. That this act shall be in force from its passage.

Approved February 1, 1867.

CHAPTER 1203.

AN ACT providing for an additional School Tax in the Town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Catlettsburg, in Boyd county, be, and are hereby, authorized to submit to the voters of said town the question whether a tax, of not

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exceeding one dollar on the one hundred dollars, shall be levied on the taxable property within the corporate limits of said town, as well as a capitation tax of two dollars on each qualified voter of said town; which said taxes, when levied, are to be appropriated to common school purposes.

§ 2. For the purpose of ascertaining the will of the majority of the qualified voters on said propositions, the trustees of Catlettsburg shall, on or before the first Monday in December, 1867, having first given at least ten days' public notice thereof, cause a poll to be opened in said town of Catlettsburg, at which all qualified voters of said town, and all widows who pay taxes for common schools, shall be entitled to vote. The question submitted to the voters at said poll shall be "For the tax," or "Against the tax." Said poll shall be conducted in a manner and at a place within the town of Catlettsburg, to be prescribed by the board of trustees; and the result of said poll shall be certified by the clerk and chairman of the board of trustees, to the office of the clerk of the county court of Boyd county.

§ 3. Should the vote at said poll result in favor of the tax, then the board of trustees shall levy said tax, and the same shall be collected as other taxes in said town are collectable.

§ 4. The board of trustees are hereby authorized and empowered, in the event of said poll being in favor of the tax, to appoint two persons, who shall act as supervisors and disbursers of said tax; said supervisors shall enter into bond to the trustees of the town of Catlettsburg, in the sum of five thousand dollars each, with good and sufficient security, for the faithful management and disbursement of any funds that may come into their hands from said tax and levy, and for the faithful and prudent application of the same to common school purposes.

§ 5. Said supervisors shall have power, with the assent of the board of trustees, to purchase or erect a building suited for common school purposes, to purchase any grounds that may be needful for the same, and in general to do all things necessary and incident to a prudent and judicious management of the fund: *Provided*, That no expenditure of said money shall be legal, unless by permission of the board of trustees first obtained.

§ 6. The proportion of money due from the common school fund to the school districts and fractions of districts embraced within the town of Catlettsburg, shall be payable to the board of trustees of said town, who shall cause the same to be disbursed, in connection with any moneys that may be raised under this act, for the benefit of schools in said town.

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§ 7. Any and all schools that may be established or aided by funds to be raised or accumulated under the provisions of this act, shall be common schools, and open to the children of the districts hereinbefore mentioned.

§ 8. This act shall take effect from and after its passage.

Approved February 1, 1867.

CHAPTER 1204.

AN ACT for the benefit of Thomas J. Puryer, late Sheriff of Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas J. Puryer, late sheriff of Graves county, be, and he is hereby, allowed further time to the fifteenth day of June, 1867, to pay into the Treasury the remainder of the revenue and State tax due from said county for the year 1866, and the same time to make out and return his delinquent list for the revenue for said county, collectable in the year 1866; and said list, when returned to the Auditor, certified as now required by law, shall entitle said sheriff to a credit therefor in his settlement with the Auditor: *Provided*, The securities of said late sheriff shall appear in the county court of said county, at their February court, and consent of record their willingness to continue to be bound on their bond as sureties.

§ 2. This act shall take effect from its passage.

Approved February 1, 1867.

CHAPTER 1205.

AN ACT for the benefit of David Howell and L. M. Buford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the lines between Levee and Mt. Sterling and Aaron's Run and Mt. Sterling voting districts, be so changed as to include David Howell and L. M. Buford in the Mt. Sterling district.

§ 2. That this act shall take effect from its passage.

Approved February 1, 1867.

CHAPTER 1206.

AN ACT to incorporate the Cedar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby incorporated and created a body-politic, under the name and style of the Cedar

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Creek turnpike road company, with a capital stock not to exceed twenty-five thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a turnpike road from Obed Calvert's, in Scott county, or near there, to the head of Cedar creek; thence down Cedar creek to the Owen and Franklin line; and said company shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; may acquire by purchase or by writ of *ad quod damnum* the ground for the residence of toll-gate keepers, and such rock, timber, and quarries, as may be necessary in the construction and repair of their road.

§ 2. Charles Murphy, Milton Wigginton, and Wiat Parker, are appointed commissioners, any of whom may open books for the subscription of stock to said road; and the obligations of subscribers thereto shall be binding in law upon said subscribers.

§ 3. Whenever the sum of two thousand dollars shall be subscribed in stock, said commissioners, or any two of them, may call a meeting of such subscribers, to be held at such time and place as they may designate; and at such meeting a president and three directors shall appoint a treasurer; all said officers shall hold their offices for one year, and until their successors are chosen; a meeting of the stockholders for the election of officers shall be held each year, either at the same time and place as the first meeting, or at such other time and place as may be designated by the directory; and at all elections of said company each stockholder shall have one vote for each share he may hold, which vote he may cast either in person or by written proxy.

§ 4. The treasurer, before he enters on the discharge of his duty as such, shall execute a bond with approved security, conditioned that he will faithfully discharge the duties of his office, and pay over all sums that come into his hands upon the order of the directory.

§ 5. The width of said road shall not be more than thirty feet, and of the metal part of it not less than twelve feet.

§ 6. All the business affairs of said company shall be under the control of the president and directors.

§ 7. When said road is completed, said company may erect a toll-gate at such point thereon as they may prefer, and may charge and receive toll at the same; but no person traveling on said road shall be charged toll bearing a greater proportion to the rates prescribed in chapter 103, of the Revised Statutes, than the distance he may travel thereon bears to the distance of five miles.

§ 8. The president and directors may make such by-laws for the management of the affairs of their road as they

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may deem necessary : *Provided*, That the same are not inconsistent with this act, or the Constitution and laws of the State.

§ 9. This act shall take effect from and after the date of its passage.

Approved February 1, 1867.

CHAPTER 1207.

AN AOT for the benefit of the Hopkinsville, Newstead, and Linton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present board of directors of said company, or any board of said company hereafter elected, may sell at public auction the road, right of way, franchises, and all property, real, personal, or mixed, owned by said company, upon advertising the terms, time, and place of sale, in a newspaper published in Hopkinsville, Christian county, Kentucky, for at least thirty days prior to the day of sale; and the proceeds of said sale shall be first appropriated to the payment of the debts of the company *pro rata*, and the remainder divided among the stockholders *pro rata*.

§ 2. That the circuit court of the counties of Christian and Trigg, upon a petition in equity, filed in either of said courts, shall also have power to sell the same upon the application of any creditor or creditors of said company, by petition in equity, whose debt may be due and unsatisfied, the proceeds to be divided, first, *pro rata* among the creditors of the company, and the remainder, if any, *pro rata* amongst the stockholders.

§ 3. That any purchaser or purchasers of the same shall be substituted to the rights and powers of the company, and may organize themselves, in such manner as they may deem proper, into an incorporated company, under the style of the Hopkinsville, Newstead, and Linton turnpike road company, and shall thereafter possess all the powers and privileges of the existing company.

§ 4. This act to take effect from its passage.

Approved February 1, 1867.

CHAPTER 1208.

1867.

AN ACT, entitled "An act to amend the Charter of the Bath and Montgomery County Associated Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the said company be, and is hereby, so amended as to require said road to be begun at a point on the Maysville and Mt. Sterling turnpike road, at a point between David Hathaway's gate and the northern boundary of James Groves' farm; and run from thence to a point on the Mt. Sterling and Owingsville turnpike road, in the vicinity of the farm of G. W. Stoner, sr.

§ 2. All acts permitting said road to run at any other points than named in section first, is hereby repealed.

§ 3. This act shall take effect from its passage.

Approved February 1, 1867.

CHAPTER 1209.

AN ACT to change the voting place in Mill Creek Precinct, in Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in Mill Creek precinct, in Carroll county, be, and is hereby, changed from the dwelling house of Stephen Coleman to the forks of Mill Creek, in said precinct.

§ 2. That this act take effect from its passage.

Approved February 1, 1867.

CHAPTER 1210.

AN ACT for the benefit of the Lancaster and Buckeye Turnpike Road, in Garrard County.

WHEREAS, James H. Henry, David Jones, and Ephraim Brown, three justices of the peace for Garrard county, in September, 1859, were called on to examine the work done on the Lancaster and Buckeye turnpike road, in said county, with the view to the erection of a toll-gate across said road, and certified at said date, upon making the examination, that more than five miles of the work had been done in conformity with the charter of said road company, which report and certificate, through some inadvertence, was not entered of record in the Garrard county court clerk's office; and whereas, the president and directors, in pursuance of said certificate and report, caused to be erected a toll-gate across said road in accordance with the said charter, and have proceeded to establish, exact, and collect

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duties and tolls at said gate; and whereas, the justices aforesaid did, at the October term, 1865, of said court, make a written certificate of their survey and examination as aforesaid, which was presented to said court, and entered upon its records *nunc pro tunc*, thus supplying the failure to enter the original certificate; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said acts of the justices aforesaid, president and directors of said company, the acts of the county court entering the survey, and certificate of the justices *nunc pro tunc*, the erection of the toll-gate pursuant to the report aforesaid in 1859, and the charges and receipts for tolls, so far as the said charges and receipts and erection of said toll-gate are not inconsistent with the charter of said company, be, and the same are hereby, legalized.

§ 2. This act to take effect from its passage.

Approved February 1, 1867.

CHAPTER 1211.

AN ACT to change the place of voting in Locust Precinct, in Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in Locust precinct, in Carroll county, be, and the same is hereby, changed from the Stone house of Joseph McGavock to the Wise school-house, in said precinct.

§ 2. That this act take effect from its passage.

Approved February 1, 1867.

CHAPTER 1212.

AN ACT to change the place of voting in the Rollington Precinct, in Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in the Rollington precinct, in Oldham county, be changed from Smithers' old tavern stand to the school-house in the town of Rollington.

§ 2. This act to be in force from and after its passage.

Approved February 1, 1867.

CHAPTER 1213.

1867.

AN ACT to change the voting place in Hogan District, in Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place of Hogan district, in Logan county, is hereby changed from Volney to Olmstead station.

§ 2. This act to take effect from its passage.

Approved February 1, 1867.

CHAPTER 1214.

AN ACT to legalize the sale of Lot No. 50, in the town of Mayfield, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale and conveyance of lot No. fifty (50), by the trustees of school district No. sixteen (16), in the town of Mayfield, and county of Graves, on the first day of January, 1867, be, and the same is hereby, legalized, any act or part of an act to the contrary notwithstanding.

§ 3. Said trustees shall have power, and are hereby empowered, to purchase some other lot or parcel of ground for the use and benefit of said district No. sixteen (16), for common school purposes.

§ 3. This act shall take effect from its passage.

Approved February 1, 1867.

CHAPTER 1215.

AN ACT to amend the Charter of the Crescent Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four of an act, entitled "An act to incorporate the Crescent Mining Company," approved February 17th, 1866, is hereby so amended as to read as follows: Said company is hereby authorized and empowered, in its corporate name, to receive, lease, purchase, or otherwise acquire, such real, personal, and mixed property as may be deemed desirable and necessary for its business; and may grant, bargain, sell, convey, or otherwise dispose of the same, as its board of directors may see proper; and said company may have, use, and exercise all rights, powers, and privileges of ownership over any property or thing that it may in any manner or way acquire, that a natural person might or could do over or with the same; and all parts of said act inconsistent with this amendment are

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hereby repealed: *Provided*, That nothing in this act, or the act to which this is an amendment, shall be so construed as to allow or authorize said company or corporation to own or possess property in this State exceeding in value the sum of two hundred thousand dollars.

§ 2. This act to take effect from its passage.

Approved February 1, 1867.

CHAPTER 1216.

AN ACT to incorporate the Southwestern Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That L. S. Trimble, A. A. Trimble, Q. Q. Quigley, Thomas E. Moss, and J. M. Bigger, together with their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Southwestern Insurance Company; and shall continue until the first day of January, 1900; and by the said name are hereby made capable in law to have, purchase, receive, possess, enjoy, and retain, sell, convey, or otherwise dispose of, by and to them and their successors, lands, tenements, rents, goods, chattels, public and private securities, notes, and bills of exchange in any kind, quality, and nature whatsoever, including the capital stock of said corporation, and the accumulated profits; and to sue and be sued, plead and be impleaded, in any court of record in this Commonwealth, or in any other place whatsoever; and to make and use a common seal, and the same to make, alter, or renew at pleasure. Also to ordain, establish, and provide such by-laws as may be necessary and convenient for the government of said corporation, not contrary to the laws of this Commonwealth.

Capital stock.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, which may be increased at any time by the board of directors of said corporation to one million of dollars, in shares of one hundred dollars.

May open books for subscription of stock.

§ 3. The corporators named in this act, or a majority of them, shall, as soon as may be deemed advisable by them after the passage of this act, open books of subscription for five thousand shares of the capital stock of said corporation, and when two thousand shares of said stock shall be subscribed, the books may be closed, or they may remain open, at the discretion of a majority of said corporators, until five thousand shares shall have been subscribed; the books shall then be closed, and notice shall then be given, by ten days' advertisement in a paper published in the city of Paducah, for a meeting of the subscribers, at which meeting the sum of ten dollars shall be paid upon each

Meeting of subscribers to be called.

share subscribed for, and the company organized, after which, the remaining ninety dollars on each share shall be secured by the notes of the subscribers, secured to the satisfaction of the president and directors, and to be paid at such time or times as they may designate. If any of the corporators named in this act shall fail to subscribe for stock when the books are opened for subscription, they shall cease to be corporators; and if any person subscribing for shares in said company shall fail to pay the ten dollars for each share subscribed at the time and place such payment is to be made, according to notice, or to execute notes with approved security, as herein provided, for the remainder, such stock shall be forfeited to the company, and may be disposed of by sale or otherwise; and if, at any time, any stockholder shall fail to pay any call upon the note for unpaid installments, within thirty days after being required to do so by the board of directors, the stock of such stockholder shall be forfeited to the company, and may be sold; the company accounting for the sale thereof, after deducting all claims for calls or other claims against such stockholder held by the company.

§ 4. There shall be, as soon as practicable after the books of subscription are closed, an election for a board of directors, to consist of five persons, which directors shall be elected by a majority of shares voting at such election, either by the person holding the share or by proxy; and they shall serve until the first Monday in January next ensuing; and on every first Monday in January thereafter a new election is to take place in like manner, and the electors so elected shall serve until their successors shall be elected and qualified; and provided, that if any election of directors should not take place on said first Monday in January, it may take place on such other day as the board of directors may appoint.

§ 5. The directors of said company shall then organize by the election of one of their members as president, to hold office until his successor is elected and qualified; and they shall also elect two of their number to serve for the term for which they have been elected as a business committee, in conjunction with the president, which committee shall have the general control of the transactions of the corporation; and the president and directors shall elect such officers and agents as may be necessary for the business of the company, and may require from any officer, clerk, or agent, bond with surety, in such sums as they may deem advisable. The salary of the president shall be fixed by the directors; a majority of the whole number of the directors shall be a quorum for the transaction of business, and their regular meetings shall be held on the first Monday in January and July in each year; and at each regular

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Corporators failing to subscribe, shall cease to be such

Stock may be forfeited.

Board of directors to be elected.

President, business committee, &c., to be elected.

Salary of president, quorum, &c.

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May declare
dividends.

meeting a statement of the affairs of the company, and its business for the preceding six months, shall be exhibited; and if any profit has been made, the president and directors shall declare a dividend of such portion thereof, on each first Monday in January and July, as they may deem expedient; but no dividend shall be paid out to the shareholders in money out of any of the unearned premiums of insurance received by the company. The business committee may call meetings of the directors when they deem it necessary.

When may
commence business.

§ 6. Whenever the sum of twenty thousand dollars in cash has been paid by the shareholders, and the further sum of ninety dollars on each share subscribed has been secured by note, as hereinbefore provided, the president shall have full power and authority, in the name and in behalf of the company, to make all kinds of marine and fire insurance on property of any and of every kind within the United States or elsewhere, on the general conditions of marine and fire insurance, or open particular principles and conditions in the policies issued by the said company.

Form of certificate.

§ 7. The form of certificates of stock, and the manner of transferring the same, shall be fixed in the by-laws of the company, and a lien is hereby created in favor of the corporation on the shares of stock of any holder thereof, for any claim, of any kind whatever, which the company may have against the holder of such shares of stock.

Principal office.

§ 8. The principal office for the transaction of the business of the corporation shall be in the city of Paducah, Kentucky; but the president and directors, or business committee, may establish agencies or branch offices elsewhere.

§ 9. This act shall take effect and be in force from and after its passage.

Approved February 1, 1867.

CHAPTER 1217.

AN ACT to repeal the twenty-seventh section of an act to amend the City Charter of Paducah, and to amend said Charter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 27, of an act to amend the city charter of Paducah, approved February 22d, 1864, be, and the same is hereby, repealed.

§ 2. That hereafter, whenever the city of Paducah shall be called upon to take charge of, and care for any of the poor of the county of McCracken, outside of limits of Paducah, or properly chargeable to the county, it shall be

the duty of such city authorities to transfer all such poor to the county judge of McCracken county, who shall take charge and control of the same, and have the same properly provided for in the poor-house of said county, under existing laws.

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§ 3. This act shall take effect thirty days after its passage.

Approved February 1, 1867.

CHAPTER 1218.

AN ACT to incorporate the Moulders' and Plasterers' Association of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles McCourt, B. H. Norman, Morris Riley, M. W. McCourt, and Alexander Millener, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Moulders' and Plasterers' Association of Covington; and by that name shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded, and to make and use a common seal, and alter the same at pleasure.

§ 2. That the officers of said association shall be a president, vice president, secretary, and treasurer, and such others as the said association shall deem necessary. The treasurer may be required to give bond with surety, for the faithful performance of his duties, and for any breach thereof the said association may prosecute suit in its own name, and for its own benefit, in any court having jurisdiction.

§ 3. That the said association shall have full power and authority to make, ordain, and enforce such by-laws, rules and regulations, as it may deem necessary for the admission and government of its members: *Provided*, That such by-laws, rules and regulations, shall not be inconsistent with the Constitution or laws of this State or of the United States.

§ 4. That the said association shall have power to purchase and hold all such real and personal property as it may deem necessary and proper for the convenient transaction of its business; but the aggregate value of such property shall not, at any time, exceed the sum of twenty thousand dollars.

§ 5. This act shall take effect from and after its passage.

Approved February 1, 1867.

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CHAPTER 1219.

AN ACT to incorporate the McCracken and Ballard County Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company formed, name and style, capital stock, &c.

Corporate powers.

Width of road

Commissioners to open books.

President and directors to be elected.

§ 1. That a company shall be, and the same is hereby, established, with a capital of fifty thousand dollars (\$50,000), to be divided into shares of fifty dollars (\$50) each, for the purpose of constructing a gravel road from the town of Paducah, in the county of McCracken, to Blandville, in the county of Ballard, under the name and style of the McCracken and Ballard Gravel road company; and as such, shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places within this Commonwealth; with power to acquire, hold, possess, use, and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road; also all necessary stone, gravel, sand, timber, and earth for the construction of said road; and to have and use a common seal, and alter or renew the same at pleasure; to make and ordain all such by-laws, rules and regulations, as may be necessary for the construction or repair of said road, and the management of its prudential and financial concerns, not contrary to the Constitution and laws of this Commonwealth.

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than forty, nor more than sixty feet, and the artificial or metalled part thereof shall not be less than eighteen feet wide, and the graded part not less than twenty-four feet wide, and that said grade shall not exceed three degrees, and that the streams shall be bridged.

§ 3. That L. S. Trimble, A. A. Trimble, E. L. Anderson, Eppe Allen, and J. M. Biggs, be, and they are hereby, appointed commissioners to open books for the subscription of stock aforesaid, at such times and in such places as any three or more of said commissioners may deem expedient; and whenever twenty thousand dollars (\$20,000) of said stock shall have been subscribed, said commissioners, or any three or more of them, may call a meeting of the stockholders, at such time and place as they may deem convenient and proper, having first advertised in the newspaper having the most general circulation in the counties through which said road is to pass the time and place; and the stockholders, in pursuance of said call, shall proceed, in person or by written proxy, to choose a president and seven managers, in whom shall be vested all the powers of the corporation for the construction and management of the prudential and financial concerns of said road.

That each share of stock, to the number of twenty, shall entitle the owner thereof to one vote, and every two shares over twenty shall entitle the owner to one additional vote; and, after the board is thus organized, an annual election shall be held on the first day of April in each year, and until their successors are elected and qualified; and no person shall be eligible to the office of president or manager without being a stockholder, and shall vacate his office on ceasing to be one. The president and managers, for the time being, may supply any vacancy occurring in their own body from any cause; and whenever an annual election shall not be held at the time prescribed in this act, the president and managers may direct an election to be held on any other day they may think fit.

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How stock voted.

Annual elections.

§ 4. The president and managers of the McCracken and Ballard Gravel road company, shall be vested with all the powers, authority, immunities, tolls, privileges, and advantages, in all and every respect, that are now vested in and by law granted to the McCracken and Ballard County Gravel road company, subject to the like restrictions and limitations as if introduced and repeated herein, except so far as they are altered and modified by this act.

Powers of other company vested in this.

§ 5. That the president and managers, at any time after the organization of said company, may again open books for subscriptions, or sell the residue of their stock, or so much thereof as they may deem proper, but not at less than par. They shall have four years from the passage of this act in which to organize said company and commence the work, and ten years in which to complete it.

May reopen books.

§ 6. That whenever the McCracken and Ballard Gravel road company shall have finished five (5) miles of said road consecutively, they shall be entitled to erect a gate to receive tolls, with all the privileges respecting tolls now vested in the McCracken and Ballard County Gravel road company: *Provided*, That said McCracken and Ballard Gravel road company shall not erect a gate for toll nearer than one half mile from the towns of Paducah, Lovelaceville, and Blandville.

When toll-gate may be erected.

§ 7. This act shall take effect from its passage.

Approved February 1, 1867.

CHAPTER 1220.

AN ACT to incorporate the Bramlette Mining and Smelting Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas E. Bramlette, Philip Swigert, Thomas N. Lindsey, John Clowney, and Joseph Predeaux, and their

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associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with succession for thirty years, by the name of the Bramlette Mining and Smelting Company, with all the powers incident to corporations, or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned, subject to such restrictions as are now imposed by law.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple or for a term of years, and by lease, for mining and smelting purposes, or for any purpose connected with the mining, smelting, or refining, or in any handling or disposing of the products, whether mineral, oils or salt, and to have and hold all mills, furnaces, and other fixtures and machinery deemed necessary for the purposes aforesaid; and they shall have power to sell or underlease any lands, buildings, machinery, and fixtures as aforesaid to others, to enable them to carry on the business herein authorized, the said corporation having all the powers touching the business herein authorized possessed by any other corporation or corporations in this State, subject to such restrictions as are now imposed by law; and said corporation may receive lands, mineral rights, and leases therefor, in payment for subscriptions of stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of not less than ten nor more than five hundred dollars each, and may be issued and transferred in such manner, and upon such conditions, as the board of directors of said corporation may direct; and the capital stock may be increased by said corporation if deemed proper; and the shares of stock therein shall be deemed personal estate, and be transferable on the books of the company as prescribed by the by-laws of the corporation, which they are hereby authorized to adopt, and the same to alter, amend, or repeal at pleasure, so they do not conflict with the Constitution or laws of this State.

§ 4. The affairs of the company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of the corporators above herein named, a majority of whom shall act, they electing their president, and these shall continue in office until their successors are elected and qualified; and the board of officers shall continue in office one year, and until their successors are duly elected and qualified. If any of the directors shall die, refuse to act, or resign, a majority of the others shall fill the vacancy by appointing some one else. The corporators and their successors may, from time to

time, open books and receive subscriptions to the capital stock of said company; and whenever five thousand dollars are subscribed, it shall be proper, if desired by a majority in interest of the stockholders, to hold an election for a new board of directors. Calls of payment on stock may be made from time to time by the president and directors as they may deem proper, and if not paid, shall be forfeited as the by-laws may allow. They shall keep an office in this State, and may keep offices out of this State, at such places as they may deem proper, and carry on their business wherever it is lawful for them to do so. They may appoint a secretary, treasurer, and all such other officers as may be necessary for the carrying on of their business, and have and use a common seal, to be made or altered at their pleasure.

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§ 5. No banking privileges shall be held to be conferred hereby.

§ 6. This act to take effect from its passage.

Approved February 1, 1867.

CHAPTER 1221.

AN ACT to incorporate the Kentucky Capital Lead Mining and Smelting Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas N. Lindsey, Daniel W. Lindsey, J. J. Miller, William Berry, John Clowney, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic, with succession for thirty years, by the name of the Kentucky Capital Lead Mining and Smelting Company, with all the powers incident to corporations, or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned.

Corporators' names, and corporate powers.

§ 2. The corporation is hereby authorized and empowered to purchase and hold lands, in fee simple or for years, and by lease, for mining and smelting lead and other minerals, and to refine, manufacture, ship, and vend the same, and to build any and all kinds of mills, furnaces, and other buildings, fixtures, and machinery deemed proper, in order to further the operations or interests of said corporation, or dispose of any portion or all of its territory, or other property deemed advisable, and convey the same by deed or otherwise; and shall have full power and authority to engage in the mining and manufacturing of iron, zinc, and other minerals, boring for petroleum and other oils; and is hereby invested with all the powers and authority touching these subjects that have been conferred by this Gen-

May hold lands, &c.

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eral Assembly on any other company or companies for like purposes. Said corporation may receive lands, mineral rights, and leases therefor, in payment of subscriptions to stock.

Capital stock.

§ 3. The capital stock of said corporation shall be two hundred thousand dollars, divided into shares of not less than ten nor more than five hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the capital stock may be increased by said corporation if deemed proper; and the shares of stock therein shall be deemed personal estate, and transferable on the books of the company as prescribed by the by-laws of the corporation, which they hereby have the right to adopt, and the same to alter, amend, or repeal at pleasure, not to conflict with the Constitution or laws of the State.

Who to manage affairs.

§ 4. The affairs of the company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of Thomas N. Lindsey, Daniel W. Lindsey, J. J. Miller, William Berry, and John Clowney, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation; and the board of directors thus chosen shall continue in office for one year, or until their successors are elected. If any of the directors shall die, decline, or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. The said corpora-

Vacancies—how filled.

Books for subscription of stock may be opened.

tors, or any of them, may open books and receive subscriptions to the capital stock of said company, and whenever five thousand dollars is subscribed, it shall be proper, if desired by a majority in interest of the stockholders, to hold an election for a new board of directors. The directors of this corporation may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days, and in default of payment, the by-laws of said company may authorize a forfeiture of stock. They may keep their office or offices within or without the State, or both: *Provided*, That they keep their principal office within the State, at such place or places as they may deem to be the interest of the company, and carry on their business anywhere within this country, not to conflict with the laws of this or any other State of the United States. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem proper; and use a common seal, the same to alter at pleasure.

Calls on stock.

Offices—where kept.

§ 5. No banking privileges shall be granted by this act.

§ 6. This act to take effect and be in force from its passage.

Approved February 1, 1867.

CHAPTER 1222.

1867.

AN ACT to build a Jail or repair the present Jail, in Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Louisville and levy court of Jefferson county may agree upon terms to purchase ground, and erect thereon a new jail for Jefferson county, or may do so on the lot of ground upon which the jail for said county is located, or may repair, by making addition or otherwise, the present jail.

§ 2. That should said city and levy court fail, refuse, or neglect to erect a new jail, or put the necessary additions or repairs to the old one, within one year from the passage of this act, the judge of the Jefferson court of common pleas may compel said city and levy court to do so by writ of mandamus, or other appropriate proceedings in said court.

§ 3. The said levy court, for the purpose of paying her just proportion of the cost of said jail and ground, or the repairing the present jail, is authorized to increase the county levy within said county, outside of the tax limits of said city, to a sum which shall be sufficient to pay the said county's portion of said improvement within five years, and costs of collection and interest on the outlay for said jail.

§ 4. That said levy court may contract with said city to procure said improvement or repairs to be made, and the purchase of ground for a new jail, if agreed upon as aforesaid, and execute the bonds of said county, and issue the same to said city, payable at such times, places, and amount, with or without coupons, and at a rate of interest not exceeding ten per centum per annum, as may be agreed upon.

§ 5. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1223.

AN ACT to amend and reduce into one the several acts to incorporate, and relating to the town of Flemingsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of said town, as laid down and prescribed in the several acts in relation to its incorporation, and the several amendments thereto, shall be, and is hereby, declared the boundary of said town.

Boundary of town.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in a board of trustees, five in number, to be

Trustees.

1867. annually elected, on the first Monday in May of each year, by the qualified voters of said town : *Provided, however,* That no one shall be eligible to said office of trustee who has not resided in said town one year next before his election, and who shall not be at the time a qualified voter for State Representative : *And provided further,* That a majority of said board shall form a quorum for the transaction of business, and the trustees elect shall continue in office until their successors are elected and qualified : *And provided further,* That in case of a vacancy being created by death or otherwise, the remaining members of said board shall have the power to fill such vacancies by appointment.
- Who eligible as trustees. Quorum, duration of office. Vacancy—how filled.
- Corporate powers. § 3. That said trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of the town of Flemingsburg," and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a seal, and do all other acts, matters, and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.
- Trustees to take oath. § 4. Said trustees shall take an oath, before some officer qualified to administer it, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as trustees, during their continuance in office, as well as the general oath provided in the Constitution. It shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and in the case of the absence of the chairman, they shall appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat as trustee, may appoint another in his stead.
- To appoint chairman. § 5. All free white male citizens of said town, who shall be over twenty-one years of age, and entitled to vote for State Representative, shall be entitled to vote in the election of trustees and other officers hereinafter named.
- Who may vote. § 6. At the same time; and in the same manner, as herein provided for the election of trustees, an election shall also be held for the offices of police judge and town marshal. The police judge shall be known by the style of "The Police Judge of Flemingsburg." He shall have the same qualifications as the trustees are herein required to have, and he shall have, within the boundaries of said town, as established by this act, all the civil and criminal jurisdiction which, by existing laws, or laws which may be passed by the present General Assembly, are conferred upon justices of the peace; and, in addition
- Election of police judge & town marshal.
- Powers of police judge.

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thereto, shall have all jurisdiction in felonies and misdemeanors which, by the Code of Practice in criminal cases, is especially conferred upon police judges as such. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, riots, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, Sabbath-breaking, running horses, firing guns or pistols, making reports by burning powder or fireworks, blowing horns, hallooing aloud, by day or night, and other riotous and disorderly conduct whatever, within said town, all of which are hereby declared to be misdemeanors; and all fines imposed by him, for any of the above named misdemeanors, shall, when collected, be paid into the treasury of the town. He shall have power to impose fines, in all cases of misdemeanors, to the amount of thirty dollars, without the intervention of a jury; and shall have the right to imprison the person so fined, in the county jail, until the same is paid by imprisonment, at the rate of two dollars per day. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted them by law. He shall have power to issue subpoenas for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance. He shall have power to fine and imprison for contempts: *Provided*, The fine does not exceed ten dollars, nor the imprisonment twelve hours.

§ 7. That upon all judgments, rendered by the said police judge, either party shall have the right of appeal from said judgments, in the same manner that appeals are taken from judgments of justices of the peace.

Right of appeal

§ 8. That the fees allowed said police judge shall be the same as are by law allowed justices of the peace for similar services.

Fees of police judge.

§ 9. The marshal shall see that the ordinances of the said town are carried into execution, and shall collect and pay over all fines imposed by the police judge for misdemeanors, as provided in the sixth section of this act; and shall give bond, annually, in the sum of one thousand dollars, with such surety as the trustees may approve, conditioned faithfully to pay over all such fines or forfeitures as may come to his hands; and shall, moreover, take an oath to discharge his duties as aforesaid. He shall, within the limits of said town of Flemingsburg, as hereby established, have all the powers, in civil and criminal matters, which by existing laws, or by laws which may be passed by the present General Assembly, are conferred upon constables

Marshal and his duties.

1867. in the State. The marshal's fees shall be the same as are now allowed by law to constables for similar services.

Clerk—his
duties.

§ 10. The trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, and in a book provided for that purpose, a full record of all the proceedings of the board of trustees. Said clerk may be removed at the pleasure of a majority of the board elected, and shall receive such compensation as may be deemed proper by such board of trustees.

Vacancies—
how filled.

§ 11. All vacancies that may occur, after an election, in either the office of trustee, police judge, or town marshal, may be filled by a majority of the board in office, and the person thus appointed shall remain in office until the succeeding annual election.

Clerk to con-
duct elections.

§ 12. All elections for officers, under this act, shall be conducted by the clerk of the board, whose duty it shall be to give one week's written notice of each election, posted at three public places in said town. He shall, after each election, give to each officer a certificate of his election, who shall, thereupon, take the oaths prescribed by this act.

Board to meet
every 3 weeks.

§ 13. The board of trustees shall meet at least once every two weeks, at such time and place as they may designate, and oftener if emergency require it; and any member failing to attend a meeting, shall be liable to a fine, not exceeding two dollars for each offense, to be recovered before the police judge of said town in the name of the chairman of the board of trustees.

Trustees may
acquire proper-
ty.

§ 14. Said trustees, for the use, benefit, and ornament of said town, shall have power to acquire real, personal, and mixed estate, either by purchase, donation, or otherwise, and shall have power to sell and convey the same, a majority of the board consenting thereto: *Provided*, That the votes for and against a proposition of a sale shall be specially entered on the records kept by the clerk.

Title to streets
vested in trust-
ees, and they
may sue for in-
jury to same.

§ 15. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate, which now does, or may hereafter belong to said town, shall be, and is hereby, vested in the said board of trustees, and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same; and may, in like manner, maintain and carry into judgment and execution, any other appropriate action or actions for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided*, That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the police judge, or any justice of the

peace, shall have concurrent jurisdiction, subject to an appeal, as in other cases.

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Powers of trustees.

§ 16. That the trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town, of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said town; they shall have full power to remove and abate any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material; they shall also have power to cause any chimneys, flues, stove-pipes, or fire-places, that, in their opinion, threaten the security of property, to be changed and repaired, so as to remove the cause of danger; they shall also have the power to cause the owner or owners, or occupiers of property, fronting on streets or alleys, to keep the said streets or alleys in front of them free from filth; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by said trustees, the trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who shall not have complied with the directions of the board, and may be recovered in the name of the board of trustees, by a warrant before the police judge, if the sum claimed be fifty dollars or under, and if over that sum, by suit in the Fleming circuit court.

§ 17. That whenever a majority of the qualified voters in said town shall require a street to be paved or macadamized, the trustees shall have the power to cause the same to be done.

May have streets paved.

§ 18. That the board of trustees of said town may, from time to time, direct and require the owners of lots and parts of lots in said town, when the same fronts upon a street or alley, to cause the same to be paved, with sidewalk in front of their respective lots or fractions of lots, of such width and of such materials, and in such manner, and at such elevation, as the said board may deem expedient; and if the owner or owners of such lot or lots, or fractions of lot or lots, shall fail to have such sidewalk repaired or paved, within the time, and in the manner prescribed by said board, then said board may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by the person or persons who shall have failed to comply with the directions of the board, and may be recovered in the name of the board of trustees by warrant before the police judge, if the sum is fifty dollars and under, and if over that sum, by suit in the Fleming circuit court; and the board of trustees shall have a lien upon the property of such person or persons for the amount of costs and charges thus incurred by them.

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May tax vendors of spirits.

§ 19. That said trustees may tax every hotel or saloon keeper, or other person who may receive license from the county court of Fleming county to sell spirituous or vinous liquors, or the mixtures thereof, in less quantities than a quart, within the limits of said town, as established by this act, a sum of not more than fifty dollars per year, to be paid into the treasury of the town; and they may suspend or suppress the license of such person so to sell, whenever, in their judgment, it shall be deemed expedient so to do; and said trustees may also close the bars or drinking saloons of such persons upon Sundays and such holidays as they may deem it proper and expedient so to do, a majority of said board concurring therein: *Provided, however,* That nothing in this section shall be so construed as to affect any person having license from the county court so to sell at the time of the passage of this act, until after the expiration of such license. Said board of trustees may also tax druggists, merchants, and others, selling liquors in quantities of more than a quart, within the limits of said town, a sum not exceeding twenty-five dollars per year, to be paid into the treasury of the town; but such persons shall not be so taxed until after the expiration of any license or permit from the county clerk, which they may have at the time of the passage of this act.

Assessor and his duties.

§ 20. The trustees shall have the power, and it shall be their duty, annually to appoint an assessor, who, after being sworn faithfully to perform the duties of his office, shall call upon the taxable persons within the limits of said town, and make out a true list of their taxable property, with the value thereof, and this shall be made upon the oath of the tax-payer, to be administered by the assessor; and said list shall embrace all the real and personal estate in said town, all the males over twenty-one years, and personal property, including household furniture; and if any person shall refuse to give in said list, he or she shall be treble taxed on the value of their property, said value to be ascertained by the oaths of any two persons resident in said town, and said treble tax to be recovered by warrant before the police judge in the name of the board of trustees, regardless of the amount claimed. The said assessor shall return his list within one month from the date of his appointment, to the clerk of the board of trustees, and may be fined for a failure so to do, upon a warrant before the police judge, in the name of the board of trustees, in a sum not less than five nor more than fifty dollars; but the board may, for good cause shown, extend the time for said assessor to return his list. Said assessor shall be paid for his services such sum as said trustees may order.

Power to levy tax.

§ 21. The trustees shall have power to levy an *ad valorem* tax, not to exceed one per cent. upon the one hundred dol-

lars, upon the taxable property in said town, exclusive of the poll tax. The poll tax shall not exceed two dollars and fifty cents for each male person over twenty-one years of age.

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§ 22. The trustees shall have power to tax all shows, theatrical performances and exhibitions, of whatsoever name or nature, in any sum, not exceeding twenty dollars for each day such show, theatrical exhibition, or public performance may exhibit in said town, or within one mile of the limits thereof.

To tax shows
&c.

§ 23. The trustees shall have power, and it shall be their duty, to appoint annually a collector, who shall give bond annually in the sum of one thousand dollars, with such surety as the trustees may approve, conditioned faithfully to perform his duties: *Provided, however,* That should the trustees appoint the marshal as collector, no other than his official bond as marshal shall be required of him. It shall be the duty of the collector to collect and pay over all taxes imposed by the trustees; he shall be paid such sum as the trustees may direct, not exceeding five per cent., on the amount collected by him.

§ 24. The trustees shall appoint a treasurer, not as member of their board, who shall give bond in such penalty with such security as the trustees may approve. The treasurer shall receive and receipt for all moneys paid into the town treasury, and keep a correct record of the fiscal concerns of the town, and shall pay out money from the treasury upon the orders of the board of trustees, countersigned by the clerk thereof; he shall settle his accounts on or before the first day of December of each year, and shall publish an exhibit at such time of the condition of the town treasury, which exhibit shall show the balance remaining in the treasury, the amounts received during the past year, and from what source; the amounts paid out and for what purposes; and shall take an oath faithfully to discharge his duties. He shall be paid for such services such amount as the trustees may deem proper.

Treasurer to
be appointed.

§ 25. The marshal of said town, in the execution of the ordinances of the trustees, and the judgments of the police judge, and the collector in the collection of taxes, shall have all the powers of levy and distress now vested by law in the sheriffs of this Commonwealth. Said marshal shall be overseer of the streets, and whenever a *capias pro fine* issued by the police judge shall come to his hands, he may arrest and imprison the defendant or defendants in the county jail until said *capias* is satisfied.

Powers of mar-
shal and col-
lector.

§ 26. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of the State vested in and granted to trustees of towns. They shall have full power and authority to make all neces-

May make
by-laws.

1867.

Record of their
proceedings
may be taken as
evidence.

sary by-laws, ordinances, and regulations, to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of the United States or of this State, for the purpose of securing the quiet and good order of said town, and the comfort and health of the citizens thereof.

§ 27. The record of the proceedings of the board shall be taken and received as record evidence in any court of this State, and a certified copy from the clerk shall be sufficient for any purposes of evidence, for which copy the clerk shall be allowed such fees as are now allowed to clerks of the circuit court.

Fines not to
exceed \$25.

§ 28. The trustees shall not assess a larger fine than twenty-five dollars for any one infraction of any ordinances or by-laws passed by them, to promote the health, comfort, convenience, and good order of the citizens of said town, which fine may be recovered by warrant in the name of the board of trustees, before the police judge or any justice of the peace, whose district may include the said town, or any part thereof; such fines, when collected, and all other fines which may be recovered in the name of the Commonwealth, or otherwise, before the police judge or justice of the peace, for any offense committed within the limits of said town, shall be paid over to the treasurer of the board for the use and benefit of the town.

Further power
of marshal.

§ 29. The marshal shall have full power to carry the ordinances and by-laws of the board of trustees into effect; and all warrants or executions issued by the police judge or a justice of the peace, for any infraction of any of the by-laws or ordinances of said board, or a violation of any of the laws of the land, shall be issued in the name of the Commonwealth, and directed to the marshal, or any constable of Fleming county, whose duty it shall be to execute the same. In the collection of any executions and demands that may come to his hands, the marshal shall be subject to the same rules and regulations which by law govern constables, and shall be subject to the same proceedings which may be had against constables in similar cases.

What rules
govern collec-
tor.

§ 30. In the collection of taxes, the collector shall be governed by the same rules and regulations which govern sheriffs in the collection of taxes, and shall be subject to the same proceedings which may be had against sheriffs in similar cases.

§ 31. The process in any civil case pending before the police judge may be directed by him to the marshal, or any constable of Fleming county.

Justice may
issue process to
marshal.

§ 32. Any justice of the peace for the county of Fleming may issue any civil or criminal process directed to the said marshal, whose duty it shall be to execute the same:

Provided, That said marshal shall not be compelled to go outside of the limits of said town to execute such process.

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§ 33. That no person who shall have license to vend spirituous or vinous liquors, or a mixture thereof, shall be eligible to the office of trustee in said town during the continuation of such license.

No liquor dealer eligible as trustee.

§ 34. That all acts or sections of acts which may have heretofore been passed by this General Assembly, which may come into conflict with any of the provisions of this act, be, and the same are hereby, repealed.

§ 35. This act shall take effect from and after the day of its passage.

Approved February 4, 1867.

CHAPTER 1224.

AN ACT to incorporate the Town of Williamsburg, in Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Williamsburg, in Whitley county, be, and the same is hereby, incorporated; the corporate limits of which shall be the same as the original plat of said town, and including the residences of A. C. King and Samuel Sutton, and the house now owned by J. B. Ward, and the house now occupied by Wm. Bowman, jr.

Corporate limits.

§ 2. That there shall be elected by the qualified voters of said town five trustees, any three of whom may form a board to transact business; and who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace for said county that they will faithfully and impartially discharge the duties of said office.

Trustees to be elected.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Williamsburg;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts of this Commonwealth; and have and exercise all the rights and privileges which incorporated bodies may lawfully have and exercise for the purposes contemplated in this act.

Body politic and corporate powers.

§ 4. The trustees of [said] town shall keep a journal of their proceedings, which shall at all times be open to the inspection of the citizens of said county, and to other persons interested.

Journal of proceedings to be kept.

§ 5. The trustees shall annually appoint one of their own body, who shall be constituted chairman of said

Chairman, treasurer, &c., to be appointed

1867.

Treasurer to
give bond.

board of trustees, and who shall preside at their meetings ; and they shall also appoint a treasurer, who shall be intrusted with the custody and safe-keeping of all moneys and property of the corporation subject to the order of the board of trustees ; said treasurer, before he enters upon the discharge of his duties as such, shall execute a bond to said trustees, with good security, to be approved by them, conditioned for the faithful performance of the duties of said office, and for any violation of which any person aggrieved thereby shall have a remedy by suit on said bond in any court having jurisdiction of the amount or damage claimed. It shall also be the duty of the board, for any neglect or violation of duty, to settle up with and remove said treasurer, and appoint another suitable man in his stead, under like condition as herein contained.

Marshal to be
appointed; his
powers & duties.

§ 6. The board of trustees shall also appoint a marshal of said town, who may execute any process placed in his hands by said board of trustees, and charge therefor the same fees as allowed by law to sheriffs for similar services, and shall, in every respect, be governed by the same law, and under the same liabilities for a failure to execute process, and collect and pay over money to the treasurer of the board of trustees as sheriffs are ; but before entering upon the duties of said office, he shall execute bond, with security to be approved by the board of trustees, that he will faithfully and impartially discharge the duties of said office, and pay over any money collected by him to the treasurer of the board of trustees.

To execute
bond.

May tax auc-
tion sales, &c.

§ 7. The trustees shall have power and authority, in addition to the requirements now provided by law, to impose a tax upon auction sales of others than residents of said county, and upon shows and exhibitions of all kinds within said town, in any sum they deem proper ; and, in addition to the license and tax now imposed and required by law, they shall have power to license coffee-houses, victualers, confectioners, retailers of spirituous liquors, and alleys for nine or ten-pins in said town ; and may fix the tax for the same, not exceeding two hundred and fifty dollars for each and every such house per annum, and may for any misconduct discontinue any of said houses.

May make by-
laws, &c.

§ 8. Said trustees shall have power and authority to make by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of this Commonwealth. They shall have power to assess and collect annually an *ad valorem* tax of not exceeding fifty cents on each one hundred dollars' worth of real and personal estate in said town, and a poll-tax of one dollar on each tithe, which, when collected, shall be a fund to be expended on the streets, alleys, and sidewalks, or other

necessary improvements in said town, for the well being, health, and comfort of the citizens thereof.

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§ 9. It shall be the duty of said trustees to keep in good repair the streets and sidewalks, and open and repair such alleys as they may deem proper, and for that purpose may use any and all money that may arise from taxes herein provided, or may be collected by them for fines, forfeitures, &c., for any infraction of their by-laws.

To keep streets
in repair.

§ 10. They shall have power by their by-laws to declare what are nuisances and to abate the same, and impose fines upon those who may cause them, and shall have the same jurisdiction of crimes, misdemeanors, or offenses against the by-laws of said town, as justices of the peace have; and the chairman of their board shall have power to issue the proper process for the apprehension of offenders against the laws of the State, or by-laws of said town committed therein, enter judgments and issue executions thereon, which process or execution may be directed to the marshal, sheriff, or any constable, and executed by them.

May abate
nuisances, &c.

§ 11. In all cases of judgments for fines for a violation of the penal laws or by-laws of said town, the same fees shall be allowed and taxed as costs that are allowed justices of the peace, and shall be collected in the same manner that fines are now collected.

Fees, &c.

§ 12. None but persons qualified to vote for State officers, and have resided within the limits of the town for six months next before an election for trustees, shall vote or hold the office of trustee.

Qualification
of voters, &c.

§ 13. The first election of trustees of said town shall be held on the first Saturday in April, 1867, and there shall be an election of trustees on the first Saturday of April in each year thereafter; and in case an election should not be held, those in office shall hold and continue in office until their successors in office are elected and qualified; and in case a vacancy from any cause occurs, the board may appoint until the next regular election for trustees.

First election
of trustees.

§ 14. It shall be the duty of the trustees to appoint two judges and a clerk to hold the elections for the various officers to be elected under the provisions of this act; and in case there are no trustees, the county judge of said county shall appoint the officers of election, which officers shall be qualified voters of said town.

Who to con-
duct elections.

§ 15. When, from any cause, the chairman of said board is unable to attend and preside at the meetings of said board, they may appoint one of their own number chairman *pro tem.*, who shall preside and be clothed with all the power and authority of the regular chairman.

§ 16. This act to take effect from its passage.

Approved February 4, 1867.

1867.

CHAPTER 1225.

AN ACT to Charter the People's Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names and corporate powers.

§ 1. That Theodore Schwartz, Jno. G. Barret, Jno. W. Barr, Isaac Everet, and Andy Barnett, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the "People's Transportation Company", for the term of thirty years, with all the powers incident to corporations, for the purposes hereinafter named.

May construct single or double track railway.

§ 2. Said corporation is empowered to construct, maintain, and operate single or double track railways, with all necessary and convenient tracks for side-tracks and turn-outs, depots, stables, machine shops, and other necessary buildings; and said railway may be along, over, or adjacent to the Newberg road, or other road leading from that part of Jefferson county into the city of Louisville, and from the present limits of said city to a distance of ten miles; and if more than one line of railway is so constructed, may connect their said lines by cross lines, with the consent of any other company, and may, by contract with the general council of the city of Louisville, extend the same into said city, and along the streets thereof, as they may obtain permission so to do, but not along any street on which there is now a line of railway, or where the right to construct one has been granted to other companies.

Capital stock.

§ 3. The capital stock of said company shall be one hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation, and shall be divided into shares of one hundred dollars each, and the same shall be subscribed, paid in, and transferable as may be provided for in the by-laws of said company.

Who to manage affairs of corporation.

§ 4. The affairs of said corporation shall be managed by five directors, to be elected annually by the stockholders as provided for in their by-laws. The first board shall consist of the persons named as corporators herein, and shall remain in office till their successors are elected and qualified. If one or more of said persons decline to act, those acting may select others in their stead. Said corporators, or any of them, may open books for subscription to the capital stock of said company, and may, at any time after the passage of this act, organize by electing one of their number president, and the appointment of such other officers as their business may require, and may prescribe in their by-laws rules for the government of said officers in the discharge of their duties.

May open books for subscription of stock.

May hold real estate, acquire right of way, &c.

§ 5. Said corporation may acquire and hold real estate, exclusive of tracks and side-tracks and turn-outs, not exceeding in value fifty thousand dollars, and may acquire

the needful right of way as provided for in chapter one hundred and three of the Revised Statutes of Kentucky, as also sites for depots, station houses, stables, and other needed buildings, and may borrow money in amount not exceeding the capital stock of said corporation, and may issue bonds in sums to suit, agreeing and promising to pay interest at the rate of ten per cent. per annum or less, and to the amount of one hundred thousand dollars, and secure the same by mortgage upon all the property and estate of said corporation owned or to be afterwards acquired.

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§ 6. Said corporation may acquire the right of way if desired from other corporations heretofore created, by contract, on the same means as it is obtained from private individuals, and may pay for such right of way by issuing certificates of stock to the owners thereof, where that mode of compensation is agreed upon by the parties; but no such railway or track shall be laid upon any paved or macadamized or improved street or turnpike road, so as to obstruct or prevent the usual public travel upon such street or turnpike road.

May obtain right of way from other corporations.

§ 7. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1226.

AN ACT to change a voting place in Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in the Troublesome Creek precinct, in Breathitt county, be, and the same is hereby, changed, and hereafter the voting place in said district shall be at or near the mouth of the Clay Hole Branch, in said district.

§ 2. This act shall be in force from its passage.

Approved February 4, 1867.

CHAPTER 1227.

AN ACT changing the boundary line of the Jackson Voting Precinct, in Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the Jackson voting precinct, in Breathitt county, be so changed as to include W. J. Whitaker, and all persons residing on his farm, in said

1867. Jackson voting precinct, and they shall hereafter vote at said precinct.

§ 2. This act to take effect from and after its passage.

Approved February 4, 1867.

CHAPTER 1228.

AN ACT to incorporate the German United Evangelical Protestant St. Lucas Congregation of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. Wieting, Louis Jung, and Christian Muller, the present trustees of the St. Lucas congregation, on Green and Fourteenth streets, in the city of Louisville, and their successors in office, and the officers and members of said church, be, and they are hereby, created a body-politic and corporate, by the name and style of the German United Evangelical Protestant St. Lucas Congregation of Louisville, Kentucky; and by that name to have perpetual succession; and may purchase, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding twenty-five thousand dollars in value, and to hold the same for the only use of said church or congregation, according to the discipline and economy of the same, and to sell, convey, or otherwise dispose of their present church property on Green street, or any other; to have and exercise all the powers necessary for and incident to religious corporations, not inconsistent with the Constitution and laws of the United States or the State of Kentucky; and by that name contract and be contracted with, sue and be sued, plead and be impleaded, so far as may be necessary to protect the property and rights, titles, privileges, and immunities of said church or congregation, and to secure any demands due to said church, and to use and employ said property solely for the use and purpose of carrying out and prosecuting the religious interests of said church or congregation.

§ 2. That said trustees hereby appointed shall continue in office until the next regular election of trustees for said congregation, and until their successors are elected or appointed, as the case may be, according to the rules and regulations of said congregation; and vacancies shall be filled from time to time, as they may occur.

§ 3. That a majority of the trustees shall constitute a quorum to do business; they shall appoint a chairman and secretary of their number. All conveyances or transfer of their church property, and all written contracts, shall only be signed by the chairman and secretary, and such convey-

ance shall pass the entire title of the church or congregation. They also shall keep a record of their proceedings.

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§ 4. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1229.

AN ACT for the benefit of R. T. Baker and George R. Fearons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of R. T. Baker, for the sum of fifty dollars, as compensation to him for expenses incurred in the contested election for the seat in the Senate from the Twenty-fifth Senatorial district.

§ 2. That he also draw his warrant in favor of George R. Fearons, for one hundred and forty-eight dollars, expenses incurred by him in taking depositions, his mileage, and fifteen days per diem, in contesting the seat of the said Baker.

§ 3. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1230.

AN ACT to transfer any interest the Commonwealth of Kentucky has in the estate of Michael Daily to Daniel Hurley.

WHEREAS, It is represented to this General Assembly that Michael Daily, an Irishman by birth, died in Larue county, Kentucky, having acquired some estate, real and personal, and that he has no relatives in the United States, as far as can be ascertained, except Daniel Hurley, of said county of Larue, who is his cousin, and to whom the said Daily promised his estate, but died without will or conveyance; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any interest which the said Commonwealth may have in the estate of said Daily be, and the same is hereby, vested in the said Daniel Hurley.

§ 2. This act shall take effect from its passage.

Approved February 4, 1867.

1867.

CHAPTER 1231.

AN ACT for the benefit of Harrison Thompson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of Harrison Thompson, for the sum of one hundred and fifty-six dollars and eighty cents, being for six days' per diem and costs paid by him in contesting the seat of A. S. Allan, the Senator returned from the Twenty-ninth Senatorial District.

§ 2. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1232.

AN ACT to amend the Charter of the Town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of the act approved 11th of February, 1858, incorporating the town of Catlettsburg, be so amended that the election therein provided shall, after the year 1867, be held on the first Monday of January in each year succeeding.

§ 2. That the board of trustees of said town shall have power to levy and collect a reasonable tax upon all steam-boats and other water crafts that may, after the passage of this act, land at the public landings within the incorporate limits of said town, and shall have power to regulate the amount which any wharf-boat or other craft shall pay for the privilege of landing at said public landings, which tax shall be collected as may be directed by the trustees of said town, and used and expended for the building, grading, and improving of the public landing and banks at said town.

§ 3. That should the marshal of said town, from any cause, fail or neglect to collect the taxes and licenses due the said town within the time prescribed by law, the board of trustees shall have power to appoint a collector for said town, whose duty it shall be to collect the same remaining due and unpaid as required by law; and the said collector shall be subject to the same fines and penalties for his failure to collect the said taxes and licenses, as attach to the failure of said marshal to perform such duty: *Provided, however,* That before the said collector shall enter upon the discharge of his duties under this act, he shall execute bond, with good security, to the board of trustees of said town, for the faithful performance of his duties as such collector, which bond shall be taken by the

clerk of said board, and approved by the chairman thereof.

1867.

§ 4. That the board of trustees of said town shall have power to pass an ordinance to authorize the sale of all marketing, pork and beef, and all kinds of lumber, products of other States, free of tax or license.

§ 5. It shall be the duty of the police judge, president of the board of trustees, and marshal of said town, to see that the provisions of this act, and acts to which this is an amendment, are put in force.

§ 6. That upon the return of the marshal or collector of said town of any real estate in said town delinquent for the non-payment of taxes thereon, then the board of trustees may make an order directing the clerk of said board to advertise a list of the said real estate so returned, by publication thereof for one month in some newspaper published in said town, or by posting notices in three public places therein; and if the taxes due upon such real estate should remain unpaid for one month after such advertisement, then the trustees may direct the marshal of said town to sell such real estate for the taxes due thereon, after having first given fifteen days' notice of the time and place of sale, which notice shall be given in the manner prescribed herein for the advertisement of the delinquent list: *Provided, however,* The owner of the property so sold shall have one year within which he may redeem the same, by paying the amount bid by the purchaser, with ten per cent. interest per annum thereon.

§ 7. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1233.

AN ACT to incorporate the Commercial Hotel Company of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established in the town of Harrodsburg a company, with a capital stock of thirty thousand dollars, divided into shares of one hundred dollars, to be subscribed and paid by individuals, companies, and corporations, in the manner hereinafter specified; which subscribers and stockholders, their successors and assigns, shall be, and hereby are, created a body-politic and corporate, by the name and style of the Harrodsburg Hotel Company; and as such shall have perpetual succession; and by that name shall be competent to contract and be contracted with; to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods and chattels, as may be convenient and necessary for the erection and

1867.

furnishing a hotel in the town of Harrodsburg; to rent and demise said hotel, furniture, &c., and all such rooms and store-houses as they may construct in the erection of the said hotel, which may not be needed for the use of said hotel; to sue and be sued, plead and be impleaded, answer and be answered, in all courts as natural persons; to have and use a common seal, to alter the same at pleasure; to contract and be contracted with; to pass and put in execution any by-laws, rules and regulations, as may be necessary for the government and carrying out the objects of this corporation: *Provided*, They be not contrary to the Constitution and laws of this State or the United States.

§ 2. That Sanford McBrayer, Samuel M. Jones, John W. Cardwell, C. L. Jones, and Z. P. McBrayer, shall be the first directors of said corporation, and shall elect one of their own body president. The president and directors shall appoint one of their own body secretary, and keep a record of their proceedings; they shall also appoint a treasurer, and such other officers and agents as they deem proper, and may take bond with security from all such appointees, and remove them at pleasure. The president and directors shall manage and control the financial and fiscal concerns of the corporation.

§ 3. The president and directors may proceed to procure subscriptions for stock in said corporation, at such times and places, and payable in such sums and at such periods, as they may deem best; and any one failing to pay his subscription, or any part thereof, for ten days after notice in writing to pay the same, may be sued and compelled to pay the same, or said president and directors may declare the same forfeited to said corporation: *Provided*, No such forfeiture shall be made by them without the service of notice upon the delinquent at least ten days before the record of such forfeiture shall be made in the books of the corporation: *Provided further*, That such forfeiture shall not release said stockholders from the sum yet remaining due.

§ 4. The stock in said corporation shall be personal estate, for which the president and directors shall issue certificates to the owner, which shall be transferable in such way as the corporation by its by-laws may prescribe.

§ 5. The corporation shall hold only such real estate as may be necessary to carry into effect the objects for which it is created, and such as may have passed to them in payment of or security for debts.

§ 6. As soon as the sum of ten thousand dollars is subscribed, the president and directors shall give notice to the stockholders, and call a meeting in the town of Harrodsburg, at such time and place as they may deem proper; and at such meeting the stockholders may take such steps

as they deem proper and necessary to execute the purposes of this charter.

1867.

§ 7. The right is reserved to the General Assembly to repeal or modify this act.

Approved February 4, 1867.

CHAPTER 1234.

AN ACT to incorporate the Cave City Masonic Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established and incorporated, adjoining the town of Cave City, Barren county, Kentucky, an institution of learning, under the name and style of the Cave City Masonic Institute; and that B. D. Curd, J. T. Berry, C. H. Griffith, Dr. J. S. Parrish, and Dr. E. R. Williams, and their successors in office, are hereby constituted a body politic and corporate, under the name and style aforesaid; by which name they shall have perpetual succession, with a common seal, with power to alter or amend at their pleasure.

§ 2. That said trustees, and their successors in office, shall have power to contract and be contracted with, to plead and be impleaded, in all courts of competent jurisdiction, in this Commonwealth.

§ 3. The trustees named in the first section of this act, or such of them, not less than three, may constitute a quorum, and may proceed to elect a president of said board, and such other officers as they may deem proper for the transaction of business.

§ 4. The said trustees shall have power to employ one or more suitable persons as teachers, who shall take charge of and manage said institution, under such regulations and restrictions as the trustees from time to time adopt.

§ 5. The trustees shall be elected annually by the Cave City lodge; and if, from any cause, an election is not held at the regular time of holding the same, it may be held as soon thereafter as practical; and no person shall be eligible to the office of trustee, or any other office, unless he is a member of said lodge.

§ 6. Said institution shall have authority to grant diplomas, degrees, and such other evidences of scholarship to its pupils, as it may deem proper.

§ 7. The trustees shall have power to fill vacancies in their board which from time to time may occur.

§ 8. This act to take effect from its passage.

Approved February 4, 1867.

1867.

CHAPTER 1235.

AN ACT to authorize the Presiding Judge of Hart County to issue a new Railroad Bond.

WHEREAS, The Hart county court has heretofore issued her bond for one thousand dollars, under authority from this State, numbered 52, and signed by the presiding judge of the Hart county court, and countersigned by the clerk of said court, payable to the Louisville and Nashville railroad company, assignee, or bearer, bearing interest from date, at the rate of six per centum per annum until paid, and payable the first day of April, 1874, the interest payable semi-annually on the presentation and surrender of the coupons that were attached thereto when issued; which bond now belongs to Isaac W. Edwards, together with the coupons thereto attached, yet unpaid, they being the coupons due and payable on the first day of October, 1865, and all the others that have now become or may hereafter become due after that date; and the same has been lost or destroyed—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Hart county court be, and he is, authorized and directed to issue another bond in lieu of, and as a substitute for, the said lost bond, containing the same words and figures, or subject-matter, which said lost bond contained, with the unpaid coupons thereto attached; and that the said substituted bond, when signed by the presiding judge of said court, and countersigned by its clerk, with the seal of the county thereto attached, in the same manner as the said lost bond was signed, sealed, and countersigned, shall be delivered to Isaac W. Edwards, or his assignee or personal representative.

§ 2. *Provided*, That before the bond is executed, which is authorized by the first section of this act, Isaac W. Edwards, his assignee, or personal representative, shall execute to the Hart county court a bond, with good security, conditioned that he and his sureties aforesaid will pay or cause to be paid to said county court any and all damage, if any, which may ever result to said court or county on account of said original bond No. 52, if it should be found, and the county required to pay the same.

Approved February 4, 1867.

CHAPTER 1236.

1867.

AN ACT to authorize the County Court of Monroe to levy an *ad valorem* tax for County purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Monroe county, a majority of the justices in commission and thereunto consenting, may, and are hereby, authorized to impose a tax of not exceeding (25) twenty-five cents to each hundred dollars, on all the property in the county liable to be taxed for revenue purposes, and all real estate situate therein, which tax may be by them levied at any regular county court; and shall be collected by the sheriff of said county, at the same time, in the same mode, and under the same penalties, he is now required to collect the revenue tax; and he shall receive the same commission therefor, and pay the same to the county treasurer of said county.

§ 2. Said county court may, and are hereby, authorized to levy a poll-tax of two dollars and fifty cents upon each tithable in the county; and said fund, raised by taxation as aforesaid, shall be by said county court applied in discharge of the county debt, and in the rebuilding of the court-house of said county, under the rules heretofore authorized by law.

§ 3. Said county court may, and are hereby, authorized and empowered to borrow, in anticipation of the collection of said taxes, a sum sufficient to satisfy the yearly installments as they severally become due, till the whole debt for rebuilding said court-house is paid, and give an obligation in writing therefor, payable in not exceeding two years from its date, signed by the presiding judge of said court, countersigned by its clerk, and under its official seal; and said obligation, when so executed, shall have the same obligatory force as if executed by a person able to contract.

§ 4. This act shall take effect from and after its passage, and shall continue in force two years thereafter.

Approved February 4, 1867.

CHAPTER 1237.

AN ACT to amend the Charter of the Adas Israel of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the "Adas Israel," Community of Israel, in the city of Louisville, be, and the same is hereby, amended as follows:

§ 2. The said corporation shall have power to sell and convey, by deed of general warranty, the real estate, or any portion thereof, owned by the said corporation.

1867.

§ 3. The said corporation shall have the right to own and enjoy real and personal estate, for the purposes named in the said charter, not exceeding in value the sum of two hundred thousand dollars.

§ 4. The said corporation shall have the right to adopt by-laws for the regulation and management of their affairs; may elect and name the officers under the same, and adopt such other rules as they may deem proper, not inconsistent with the Constitution or laws of this State or of the United States.

§ 5. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1238.

AN ACT to amend an act, entitled "An act to amend the Charter of the Town of Albany."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the town of Albany," be so amended as to give the county judge, or any justice of the peace of Clinton county, power to issue warrants for the arrest of the violator of any by-law made in accordance to the charter; and that the sheriff, coroner, jailer, or any constable, may make the arrest anywhere in the county; and in case any violator of said charter fails to pay the fine adjudged by the court, he shall be committed to jail until fine discharged.

§ 2. That the by-laws of said town extend one half mile beyond the corporate limits for all breaches of good order and regulations governing the town.

§ 3. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1239.

AN ACT for the benefit of John J. Miller, late Sheriff of Boone County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John J. Miller, late sheriff of Boone county, shall have the further time of two years, from and after the passage of this act, to collect all taxes and fees to him delivered, or fees due him before the expiration of his term of office, subject to the same liabilities, restrictions, and responsibilities, as are now imposed by law in such cases, as though they were due, delivered, or collected before the expiration of his term of office.

Approved February 4, 1867.

CHAPTER 1240.

1867.

AN ACT to incorporate the Cave City Lodge, No. 418, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. H. Griffith, W. L. Poynter, and R. M. Clayton, and their successors in office, be, and they are hereby, constituted a body corporate, under the name and style of Cave City Lodge, No. 418, of Free and Accepted Masons; and that the officers and members of said Lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real or personal estate, not exceeding the sum of twenty thousand dollars, to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the three first named officers of the lodge, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority of the members thereof.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, not inconsistent with the Constitution of the United States or of the State of Kentucky, for the safe-keeping of the property and other interests of the Lodge.

Approved February 4, 1867.

CHAPTER 1241.

AN ACT to incorporate the Town of Florence, in Boone County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved February 17th, 1860, entitled "An act to incorporate the town of Florence, in Boone county," and an act approved December 10th, 1861, entitled "An act to amend an act to incorporate the town of Florence, in Boone county," be, and the same are hereby, re-enacted.

§ 2. That the first election held for officers in said town, after the passage of this act, shall be held on the first Saturday in March, 1867, under the same rules and regulations

1867. as is directed to be observed in said act of incorporation, approved February 17th, 1860.

§ 3. This act to be in force from its passage.

Approved February 4, 1867.

CHAPTER 1242.

AN ACT to incorporate the Poplar Plains and Hinton's Mill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Name & style.** § 1. That a company is hereby formed for the purpose of making a turnpike road from the town of Poplar Plains, in the county of Fleming, to Hinton's Mill, or near there, to intersect the Fox Spring and Poplar Plains turnpike road.
- Capital stock.** The capital stock of said company shall not exceed twenty thousand dollars, divided into shares of fifty dollars each, and subscriptions may be taken up by each of the commissioners hereinafter named, for four years after the passage of this act, unless the whole amount be sooner taken up.
- Commissioners to open books.** § 2. The following persons are hereby appointed commissioners to perform the duties required by this act: James Kidwell, Hezekiah Hinton, A. B. Christy, James Matchett, Dr. Samuels, and Samuel Armstrong.
- § 3. The said commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind and oblige themselves in writing to pay the Poplar Plains and Hinton's Mill turnpike road company—by which name and style said company shall be known—the sum of fifty dollars for each share subscribed by them, in such proportion and at such times as shall be determined by said company or corporation.
- President and directors to be elected.** § 4. That so soon as seventy-five shares shall have been subscribed in said capital stock by individuals and corporations, the commissioner shall give ten days' notice in two public places in said county of the fact, and appoint a time and place for a meeting of the stockholders, who shall, by vote, elect a president and five directors, by the name and style aforesaid. The president and directors, and all other officers of said company, shall severally take an oath before some justice of the peace faithfully to execute the duties of their respective offices; they shall, so soon as may be necessary, proceed to locate said road, and may be authorized to receive the written consent of any of the landholders through which or near which said road may pass, and the grant of the right of way, lumber, stone, sand, and timber to make said road, and keep the
- Officers to take oath.**
- Location of road.**

same in repair, which consent, when so given, shall be valid to every intent and purpose.

§ 5. That said road shall be opened and graded at least twenty, and not more than forty feet wide, and the artificial part thereof covered with stone shall not be less than twelve feet wide. The elevation of the grade of the road shall be fixed and regulated by the president and regulations of the company.

1867.

Width & grade of road.

§ 6. That when said road shall be opened and graded for any distance thereof equal to two and one half miles, and a proper and sufficient coating of macadamized stone placed thereon, it shall be lawful for said company to erect a half gate on the same, and to collect for the travel on said road the same rates of toll which are charged and allowed to be collected by the provisions of an act to charter the Hillsboro and Poplar Plains turnpike road company; and it shall be lawful, when said road shall have been completed, for the said company to dispense with said half gates, and in lieu thereof erect and use whole gates, and under the rules and regulations of the Hillsboro and Poplar Plains turnpike road company, as now prescribed by law.

When toll-gate may be erected.

§ 7. That the general provisions of said charter of the Hillsboro and Poplar Plains turnpike road company, shall apply to the company hereby created, and are made parts of this charter, except so much thereof as may be inconsistent with the provisions of this act.

Hillsboro and Poplar Plains charter made applicable.

§ 8. That said company shall be allowed ten years after the whole amount of such stock shall be taken or subscribed, to complete the said road; and if the same shall not be completed within that time, then this charter shall be null and void for so much of said road as shall not be completed, but for no more.

When to complete road.

§ 9. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1243.

AN ACT to incorporate the Colored Methodist Episcopal Church, South, at Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Philip Bell, Nelson Cross, Peter Ratcliffe, Mansen Gant, Benjamin Phelps, Isham Harrison, and George Crutchfield, and their successors in office, be, and they are hereby, created a body corporate and politic, by the name and style of the "Trustees of the Colored Methodist Episcopal Church, South, of Hopkinsville, Kentucky; and by that name to have perpetual succession; and in

1867. their corporate name have power to buy, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding twenty-five thousand dollars in value, and to hold, sell, convey, or otherwise dispose of the same; and to have and exercise all the powers necessary for and incident to religious corporations, not inconsistent with the Constitution and laws of the United States or the State of Kentucky; and they may sue and be sued, plead and be impleaded, so far as may be necessary to protect the property and rights, titles, immunities, and privileges of said church; and to hold and employ the property so acquired, and now, or hereafter held by them, and dispose of it, and make contracts about it, and with persons, for the care, protection, and preservation of it, solely for the use and purposes of carrying out and prosecuting the religious interest of said church.

§ 2. That said trustees hereby appointed shall continue in office so long as they remain members of said church, unless they resign or refuse to act as such; and when a vacancy occurs, it shall be filled by the votes of the members of said church when it may occur.

§ 3. That a majority of the trustees shall constitute a quorum to do business; they shall appoint from their number a chairman and secretary; all transfers or conveyances of the church shall be signed by the said chairman and secretary, and such conveyance shall be sufficient to pass the title of the church. They shall purchase for the church a book, in which they shall keep a full record of all their proceedings, which book shall, at all times, be open to the inspection of the members of said church, or any of them.

§ 4. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1244.

AN ACT to change the time of holding the Quarterly Courts in Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from the passage of this act, the quarterly courts of Adair county shall be held on the first Tuesday after the first Monday in January, April, July, and October, instead of the days now established by law; and the days herein named shall be held as the legal days for the transaction of the business of said court.

§ 2. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1245.

1867.

AN ACT to incorporate the New Castle and Kentucky River Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated and created a body-politic and corporate, under the name and style of the New Castle and Kentucky River turnpike company, with a capital stock not to exceed fifty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a turnpike road from New Castle to the Kentucky river, at or near the mouth of Drennon's Lick creek; and said company, by the name of the New Castle and Kentucky River turnpike company, shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; may acquire by purchase, or by writ of *ad quod damnum*, all grounds necessary for said road, for the residence of the toll-gate keepers, and such rock, timber, and quarries, as may be necessary in the construction and repair of said road.

Corporate name & powers.

§ 2. Joseph Brinker, G. M. Jesse, W. O. Bruce, T. V. Bruce, and J. S. Loudon, are appointed commissioners, any of whom may open books for the subscription of stock to said road; and the obligations of subscribers thereto shall be binding in law upon said subscribers.

Commissioners to open books for subscription of stock.

§ 3. Whenever the sum of five thousand dollars shall have been subscribed in stock, said commissioners, or a majority of them, may call a meeting of the subscribers, to be held at such time and place as the commissioners may designate; and at such meeting a president and four directors shall be elected, who shall have power to appoint a secretary, treasurer, and such other officers as may be necessary to the construction of said road; all of said officers shall hold their offices for one year, and until their successors shall be chosen. An election by stockholders shall be held in each year, either at the same time and place as the first meeting, or at such other time and place as may be designated by the directory; and at all elections, each stockholder shall have one vote for each share of stock he may hold, which vote he may cast either in person or by written proxy.

President and directors to be elected.

Officers to be appointed.

Annual election of president and directors.

§ 4. The treasurer, before he enters on the discharge of his duty as such, shall execute a bond, with approved security, conditioned that he will faithfully discharge the duties of his office, and pay over all sums of money that may come into his hands as such, upon the order of the directory.

Treasurer to give bond.

1867.

Width of road.
President and
directors to
control.

When may
erect toll-gate.

§ 5. The width of said road shall not be more than fifty feet, and the metal part of it not less than twelve feet.

§ 6. All the business affairs of said company shall be under the control of the president and directors thereof.

§ 7. When as much as four miles of said road shall be completed, said company may erect a toll-gate, at such point thereon as they may prefer, and may charge and receive toll at the same, not, however, to exceed the rates prescribed by the Revised Statutes governing the rates to be charged by such roads. (See chapter 103, of said Statutes.)

§ 8. This road shall be placed upon a basis of the most favored roads in this Commonwealth, and its directory may exercise any of the powers vested in and granted to any other corporation of like character: *Provided*, That its by-laws shall not be in contravention of the Constitution and laws of this State.

§ 9. This act to be in force from and after its passage.

Approved February 4, 1867.

CHAPTER 1246.

AN ACT to change the voting place in Poor Fork precinct, in Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in poor Fork precinct, in Harlan county, be, and the same is hereby, changed from Poor Fork to or near Clover Lick Meeting-house.

§ 2. This act to take effect from and after date of its passage.

Approved February 4, 1867.

CHAPTER 1247.

AN ACT for the benefit of R. B. Evans, Clerk of Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the first day of January next, is given to R. B. Evans, clerk of the Barren county court, to collect and distrain for any and all fee bills due, and to become due him, subject to all the penalties now prescribed by law for issuing and collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved February 4, 1867.

CHAPTER 1248.

1867.

AN ACT to amend the 4th section of an act, entitled "An act to amend the Bridge Company over Tradewater."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4 of said act be so amended as to allow the corporators of the Bridge Company to have the further time, until the 1st day of February, 1868, to organize and open books for the subscription of stock to build a bridge across Tradewater river.

§ 2. This act to take effect from and after its passage.

Approved February 4, 1867.

CHAPTER 1249.

AN ACT allowing the county court of Hopkins county to levy an additional tax, &c.

WHEREAS, The county of Hopkins has been obliged to incur a debt, for rebuilding her court-house, and for building and rebuilding a number of bridges, rendered necessary by the war; and contemplating a further liability for a poor-house, the whole amounting to a sum greater than the ordinary county levy will meet, and than it is desirable to pay in one year—therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hopkins county shall have power to lay and collect a levy for the years 1867 and 1868, of any sum not exceeding two dollars on each and every person subject to county levy; and also an *ad valorem* tax not exceeding twenty cents on the one hundred dollars of taxable property in said county.

Approved February 4, 1867.

CHAPTER 1250.

AN ACT to change the time of holding the quarterly court in Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the Clinton quarterly court be changed, so that said court meet in quarterly session on the third Mondays in January, April, July, and October, in each year, instead of the time now fixed by law, and continue as many days as the business may require.

§ 2. This act to take effect from its passage.

Approved February 4, 1867.

1867.

CHAPTER 1251.

AN ACT to change the time of holding the Boyd Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the terms of the Boyd quarterly court shall commence on Tuesday succeeding the fourth Mondays in March, June, September, and December, instead as now fixed by law.

§ 2. This act to take effect from and after its passage.

Approved February 4, 1867.

CHAPTER 1252.

AN ACT to incorporate the Lebanon and Cumberland River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and
style, and cor-
porate powers.

§ 1. That all persons who shall become stockholders in the company hereby authorized, shall be a body-politic and corporate in perpetuity, by the name of the Lebanon and Cumberland River railroad company; and shall be capable of suing and being sued; and may have a common seal, and may break and alter the same at pleasure; and shall be capable in law of purchasing, holding, and conveying any real and personal property whatever; and shall be vested with all the powers and rights necessary for the object and purpose of constructing, maintaining, and operating a main line of railway and branches, with one or more tracks; and for providing all such appurtenances, means, accommodations, and facilities, as may be deemed necessary by said company, for the construction, equipment, and most convenient and profitable use of the same; the main line of railway to commence at any eligible point on the Lebanon Branch of the Louisville and Nashville railroad company, as at present extended; to extend from thence to a point on the Cumberland river, at or near Creelsboro, in Russell county; and the branches to extend from the main line to collieries, iron works, mines, oil wells, and such other points as may be deemed expedient, not destroying the vested rights of other corporations.

Commissioners
to open books
for subscription
of stock.

§ 2. That E. L. VanWinkle, Jno. S. VanWinkle, Jno. B. Temple, E. H. Taylor, Wm. A. Gaines, J. L. Waggener, Wm. H. Waggener, Jno. Mason Brown, Ambrose W. Dudley, Wm. H. Hays, Benj. C. Milam, Frank Wolford, John R. Thomas, A. Conery, R. B. Jillson, Sam. C. Bull, R. H. Taylor, Jno. W. Russell, jr., Mason P. Brown, Wm. T. Samuels, George W. Gayle, Geo. B. Macklin, Geo. M. Priest, John McCullagh, Wm. H. Averill, Saml. B. Field, R. Runyan, A. H. McClure, Chas. G. Russell, Jno. M.

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Harlan, James M. Withrow, James A. Dawson, and James B. Lyne, be, and they are hereby, appointed commissioners, under the direction of any two of whom books may be opened for the purpose of receiving subscriptions to the capital stock of said company, at such times and places as they may prescribe, by advertisement in one or more newspapers in this State, and may continue them open for such times as they may deem expedient: *Provided*, That any subscription tendered at any time and place other than advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die, resign, or neglect to act, another may be appointed in his stead by the remaining commissioners or commissioner, or a majority of them.

§ 3. Each subscriber, at the time he subscribes, shall pay to the said commissioners, or their agents appointed to receive such subscriptions, one dollar on each share subscribed by him, and the residue thereof in such installments, and at such times, as the directors of said company shall deem proper, under penalty of forfeiting the shares of stock subscribed for, and all previous payments thereon, if payment shall not be made in thirty days after personal demand, or notice by advertisement in one or more newspapers published in the city of Louisville: *Provided*, That the stockholders shall not be required to pay more than thirty per cent. of their stock in any one year, and that the directors, by a majority of their whole board, may remit any such forfeiture on such terms as they may think proper.

Payments of stock, and may be forfeited.

§ 4. The capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, which may be subscribed for by any individual or corporation, and shall be considered personal property.

Capital stock.

§ 5. Whenever two thousand shares or more of the capital stock shall have been subscribed, a majority of the commissioners may close the books, and call a general meeting of the subscribers for the election of directors, at such time and place as they may appoint, and shall give twenty days' notice thereof in one or more of the newspapers published in the city of Louisville; and at such meeting the commissioners, or three of them, shall be present and conduct the election, and shall lay the subscription books before the subscribers then and there present; and in case more than twenty thousand shares shall have been subscribed, they shall strike off the surplus from the largest subscriptions, until the same shall be equalized as near as may be; and thereafter a majority in value of the subscribers present shall have power to elect from among the stockholders nine directors to manage the affairs of the

When directors to be elected.

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President to be
elected.How stock
voted.

company; and those nine directors, or a majority of them shall elect a president of said company from among the directors, and may allow him such compensation for his services as they may think proper; and in such election of directors, and on all other occasions whenever a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share of stock which shall have been owned by him, her, or it, for ten days, and no other; and may in writing depute any other person to vote and act as his, her, or its proxy. The directors shall hold their office for one year, and until their successors are elected, and shall fill all vacancies in the board.

Annual meet-
ings.Judges of elec-
tion to be ap-
pointed.

§ 6. There shall be an annual meeting of the stockholders at the office of said company, on the first Monday in May, for the election of nine directors, to serve for the ensuing year: *Provided*, That the directors shall have power to change the time and place of holding such annual meeting, upon publishing such change in the newspapers aforesaid not less than thirty days prior to the time previously appointed. At all such meetings the directors shall choose three judges from among the stockholders, whose duty it shall be to receive the votes of the stockholders for directors, and openly to count the votes and declare the result.

Called meet-
ings.

§ 7. Meetings of the stockholders may be called for by the directors, or by stockholders owning not less than one fourth of the stock, by giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and whenever any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice; and if at any such meeting a majority in value of stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding five days, without transacting any business; and if, within said five days, stockholders having a majority in value of the stock subscribed do not attend such meeting shall be dissolved.

Annual exhibit
of condition of
company to be
made.

§ 8. At the annual meetings of the stockholders it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority in value of those present may require a similar statement; and at all general meetings of the stockholders, a majority of them in value may remove from office any president, director, or other officer of said company, and elect others in their stead: *Provided*, Notice of such intended removal shall have been given as required in the preceding section.

States, cities,
and other cor-
porations may
subscribe stock.

§ 9. Said company may receive subscriptions to their capital stock by any State, city, county, railroad company,

or other corporation whatever, payable in such manner, and upon such conditions, as shall be accepted by the said company; and the board of councilmen of any city, and the county courts of any county, are hereby authorized to levy on the taxable property of such city or county such sums of money as shall be sufficient to pay their respective subscriptions, or the interest on their bonds, or the principal when due; but no such subscriptions shall be made until the board of councilmen, or the county court, as the case may be, shall have submitted the question of such subscription to all the qualified voters of such city or county; and if a majority of all the qualified voters in any county or city shall vote for such subscription and tax, then the same shall be assessed and made on behalf of such county or city, and not otherwise, unless the vote be taken at a general election, in which case the subscription may be made if the proposition receive in its favor a majority of the votes cast for and against it.

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§ 10. That sections 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 22d, 23d, 24th, 25th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, and 39th of an act, entitled "An act to incorporate the Louisville and Memphis railroad company," approved March 1st, 1854, be, and the same are hereby, made a part of this charter, and the company hereby created shall have the benefit of all the provisions of the said sections as aforesaid.

Certain sections of charter of Louisville and Memphis road made part of this charter.

§ 11. The company shall have the power to receive, transport, and convey, persons and property on their railroad and branches, and may establish and regulate the tolls and compensation to be paid therefor to said company: *Provided*, Such tolls and compensation do not exceed those allowed by law to be collected or charged by the Louisville and Nashville railroad company.

May transport freight, &c.

§ 12. This act shall take effect from its passage.

Approved February 4, 1867.

CHAPTER 1253.

AN ACT for the benefit of L. B. Wilson, Sheriff of Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Levi B. Wilson, sheriff of Carroll county, be allowed the further time until the 15th day of June next, to pay the revenue of said county: *Provided*, Said Wilson's securities appear in the county court of said county, and have entered of record their consent to the extension

1867. of the time for said Wilson to pay said revenue into the Treasury.

§ 2. This act to take effect from its passage.

Approved February 4, 1867.

CHAPTER 1256.

AN ACT for the benefit of the Sheriff of Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Lindon, sheriff of Breathitt county, have further time until the 8th day of March, 1868, to collect the balance of the revenue due from Breathitt county, for the years 1862, 1863, 1864, 1865, and 1866, and to return his delinquent list for said years: *Provided*, That the sureties of said Lindon shall personally appear in the Breathitt county court, and enter of record their assent to said extension before the sheriff shall have the benefit of this act.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1867.

CHAPTER 1257.

AN ACT for the benefit of John Marksbury, Sheriff of Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Marksbury, sheriff of Grant county, is hereby given until the second Monday in March, 1867, to return his delinquent list for the revenue and county levy for 1866.

§ 2. This act to take effect from its passage.

Approved February 5, 1867.

CHAPTER 1258.

AN ACT for the benefit of E. F. Adkins, of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant on the Treasury in favor of Elijah Adkins, for the sum of one dollar per day, for the time he guarded the jail of Whitley county while Lewis Parton was confined therein, the time to be allowed and certified to the Auditor by the clerk of the Whitley circuit court, in the same manner that other claims on the Treasury are allowed.

Approved February 5, 1867.

CHAPTER 1259.

1867.

AN ACT for the benefit of G. J. Cundiff, &c., sureties of J. B. McWhorter.

WHEREAS, It appears that G. J. Cundiff, Robert Russell, and J. B. Beams, three of the sureties of J. B. McWhorter, late sheriff of Taylor county, in his revenue bond for 1865, have paid all the revenue due to the Commonwealth of Kentucky from said McWhorter for said year; and whereas, all of said revenue tax for said year has not yet been paid by the tax-payers; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. J. Cundiff, Robert Russell, and J. B. Beams, or either of them, are authorized and empowered to collect all revenue due from the citizens of Taylor county, for the year 1865, for their own benefit (they having advanced the same to the State); and in executing said power of collection, they, or either of them, shall have the powers (at any time within two years after the passage of this act) conferred by existing laws on sheriffs or collectors of the public revenue, to enforce the collection thereof, subject to the penalties for illegal collection or distress.

§ 2. That this act shall take effect from and after its passage.

Approved February 5, 1867.

CHAPTER 1260.

AN ACT declaring the Kentucky Advocate a public authorized newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Advocate, a newspaper published at Danville, Kentucky, be, and the same is hereby, established a public authorized newspaper, to publish all advertisements, orders of court, executions, proclamations, &c., which may by law be required to be published in any newspaper; and advertisements, orders of court, &c., shall be as legal and valid, when published in said newspaper, as though they were published in any other newspaper in this State.

§ 2. This act to take effect from its passage.

Approved February 5, 1867.

1867.

CHAPTER 1261.

AN ACT for the benefit of Thomas G. Poore, Clerk of the Hickman Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is granted to Thomas G. Poore, clerk of the Hickman circuit court, to collect all and any fee bills for services heretofore rendered by him as such clerk, under the existing laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1867.

CHAPTER 1262.

AN ACT to repeal portions of an act, entitled "An act to improve the Navigation of the Little Sandy River."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act for removing obstructions in Little Sandy river, and to extend the navigation thereof," approved February 3d, 1847, as applies to Greenup county, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 5, 1867.

CHAPTER 1263.

AN ACT to amend an act, entitled "An act to incorporate Flemingsburg College."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate Flemingsburg College," approved February 4th, 1863, be, and is hereby, so amended that the board of trustees shall hereafter consist of seven persons, who shall have power to fill vacancies occasioned by death, resignation, or refusal to act; which said board shall consist of Wm. A. Morrison, George V. Morris, Thomas Dixon, Doctor J. L. McDowel, Thomas C. Newcomb, Theodore Hart, and Doctor John T. Wall.

§ 2. That this act shall take effect from and after its passage.

Approved February 5, 1867.

CHAPTER 1264.

1867.

AN ACT to revive the charter of the Paducah and Tennessee Railroad Company, approved March 8th, 1854, and to extend the time in which to commence the work.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to charter the Paducah and Tennessee railroad company, approved March 8th, 1854, be, and the same is hereby, revived, and the further time of five years, from and after the passage of this act, is given to the corporators named in said act, and their successors, in which to commence the work on said road.

§ 2. This act to take effect from its passage.

Approved February 5, 1867.

CHAPTER 1266.

AN ACT to amend the charter of the Lexington and Winchester Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Lexington and Winchester turnpike road company are authorized and empowered to take stock in the Mount Sterling and Howard's Mill turnpike road company, in accordance with the provisions of the charter of said Mount Sterling and Howard's Mill turnpike road company.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1867.

CHAPTER 1267.

AN ACT to amend the charter of the City of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sixth section of the act incorporating the city of Owensboro, approved February 16, 1866, be amended in this: That no person shall be eligible to the office of mayor or councilman unless he shall be the owner of real estate in said city.

§ 2. That the 14th section of said act be so amended that bonds of said city may bear as high a rate of interest as ten per cent.

§ 3 That the 17th section of said act be so amended, that if taxes shall remain unpaid on the 1st Monday in September, as therein provided, there shall be added to the tax of each citizen so failing to pay, ten per cent. on the amount of his or her tax, and the same shall be col-

1867. lected ~~as~~ now provided by said act for the collection of taxes.

§ 4. That in cases of vacancy in the office of mayor, councilman, or other offices of said city, by death, resignation, removal, or from other cause, the said mayor and council shall have power to fill such vacancy in such way as they may provide by a by-law.

§ 5. This act to take effect from its passage.

Approved February 6, 1867.

CHAPTER 1268.

AN ACT for the benefit of C. F. Bosley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventy-five dollars be, and the same is hereby, appropriated to C. F. Bosley, of Washington county, the amount of revenue belonging to the State, and which said Bosley was robbed of in November, 1864, by guerrillas; and that the Auditor of Public Accounts is authorized, and hereby directed, to draw his warrant on the Treasury for the sum aforesaid, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved February 6, 1867.

CHAPTER 1269.

AN ACT granting further time to A. L. Thompson, late Sheriff of Bourbon County, to pay the revenue due by him and make out his delinquent list.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the fifteenth day of June next is given to Addison L. Thompson, late sheriff of Bourbon county, to pay into the Treasury the balance of the revenue due by him for the year 1866, and to make out and return his delinquent list and make his final settlement with the Auditor: *Provided*, That the sureties of said Thompson shall come into the county court of said county, and in open court consent, in writing, to remain bound on his bond for the collection of the revenue as they now are, notwithstanding the extension hereby given.

§ 2. This act shall take effect from its passage.

Approved February 6, 1867.

CHAPTER 1270.

1867.

AN ACT applying the Mechanics' Lien Law to Lawrence, Christian, Trigg, Rockcastle, and Owsley Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17th, 1858; and an act, entitled "An act to amend an act, entitled 'An act providing a general mechanics' lien for certain cities and counties,' approved February 17th, 1858," approved June 3d, 1865, be so amended as to apply the provisions of said acts to the counties of Lawrence, Christian, Trigg, Rockcastle, and Owsley.

§ 2. This act shall be in force from its passage.

Approved February 6, 1867.

CHAPTER 1271.

AN ACT to punish certain trespasses in Boyd and Lawrence Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to punish certain trespasses in Jefferson, Scott, Mason, Kenton, Campbell, and Woodford counties," approved December 23, 1861, and an act amending the same, approved March 8, 1862, be, and the same are so amended, as to include in their provisions the counties of Boyd and Lawrence.

Approved February 6, 1867.

CHAPTER 1272.

AN ACT to amend an act, entitled "An act to incorporate the Town of Lebanon."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Lebanon," approved _____, be, and the same is hereby, amended as follows: The board of trustees shall have power to levy a tax, not exceeding seventy-five cents, on each hundred dollars' worth of taxable property in said town, real and personal, including all land within the limits of said town used for agricultural purposes.

§ 2. Said board of trustees shall also have the power to levy a tax, not exceeding ten cents, on the hundred dollars' worth of all such property within said town, for school purposes, and that the fund arising therefrom shall be appropriated as a majority of said trustees shall by vote direct.

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§ 3. That the police judge of said town be, and he is hereby, empowered to hold a special term of his court at least once in each month, for the trial of ordinance warrants.

§ 4. The said board of trustees shall appoint an attorney for said town, who shall be a regularly licensed lawyer, who shall prosecute or defend, as the case may require, all actions in which said town shall be interested; and, in addition to the fees now allowed by law to county attorneys for similar services, he shall receive such salary as may be determined upon by said board of trustees, and shall hold his office for two years from the date of his appointment, and until his successor shall be duly appointed and qualified.

§ 5. This act to take effect and be in force from and after its passage.

Approved February 6 1867.

CHAPTER 1273.

AN ACT to amend an act, entitled "An act to incorporate the town of Ghent"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Ghent be so amended, that if, for any cause, the regular election of trustees and other officers of said town shall not be held at the appointed time in March; then it shall be lawful for the president, or any member of the board of trustees, to have a special election held, by posting written notices in three public places in said town of the time and place of holding the same, at least ten days before it is to be held.

§ 2. That section 2d of said charter shall be so amended that all free white male citizens of said town, over the age of twenty-one years, who have resided therein sixty days previous to the election, and all persons, whether residents of the town or not, who own real property therein, shall be entitled to vote for all officers of said town, and shall be eligible to office.

§ 3. That the police judge, marshal, and assessor, shall be elected at the same time that the trustees are elected.

§ 4. That the trustees of said town shall have power to sell and convey any and all public property, real, personal, or mixed, belonging to said town, when they may deem it for the interest of said town to do so; and such sale, before it shall be valid and binding, shall be submitted by them to the property-holders of said town, a majority vote of whom shall have the effect to perfect the sale; or it may be sold and conveyed by them, when they shall be directed to do so by a majority of the property-holders voting at

any election. Such sales shall be made at public auction to the highest bidder, and after thirty days' notice of the time and place of sale shall have been given, by posting written notices in three public places in said town.

§ 5. This act shall take effect from its passage.

Approved February 8, 1867.

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CHAPTER 1274.

AN ACT to incorporate the Kentucky Tournament Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert E. Miles, William E. Milton, William G. Holden, and Elbridge G. Holden, their associates, successors, and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name and style of "The Kentucky Tournament Association," and shall so continue for the period of thirty years from and after the date hereof; and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations, for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the laws and Constitutions of this State or of the United States.

§ 2. That the business and operations of said association shall consist of holding tournaments for the purpose of encouraging the improvement of the horses of the country, and perfecting the people of the State and nation in the art of horsemanship; and for that purpose said company shall have power to hold tournaments whenever the interests of the people seem to require or justify; and may offer and give such premiums for skill in horsemanship, and the exhibition of horses for riding, harness, or other purposes, as they may deem proper; and for those purposes the capital stock of the association shall be ten thousand dollars; but the directors may increase the same to one hundred thousand dollars, to be subscribed for, issued, and sold, at such times and in such places as the directors may deem best. The shares of stock shall be one hundred dollars each; the said shares of stock shall be taken and held as personal estate, and shall be transferable on the books of said association in such manner as the president and directors shall, by their by-laws, prescribe.

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§ 3. The said association may purchase or lease, and hold as much real and personal estate as may be reasonably necessary for the purposes of the association, and may sell or otherwise dispose of the same at pleasure.

§ 4. There shall, within three months after the passage of this act, be elected by the stockholders four directors, and an election shall be held for the same number of directors annually thereafter. The directors shall hold their office for one year, and until their successors are elected and qualified. The board of directors shall elect one of their number president of the board of directors. They shall have power to appoint a secretary and treasurer, and require bond from them for the faithful performance of their respective duties; they shall have power to appoint such other officers and agents as the interests of the company may require, under seal or otherwise; vacancies may be filled by the board of directors, the president being one in the board or otherwise.

§ 5. That said board of president and directors shall be empowered, and hereby are empowered, to eject from their grounds all disorderly, lewd, or obnoxious persons, whose presence they may deem detrimental to the interests of said association; and for that purpose they are hereby respectively clothed with the power of police officers; any person returning to the grounds of the association after having been so ejected, without the consent of said board of directors, shall, for each return, be fined in a sum not exceeding thirty dollars, or imprisoned not exceeding fifteen days, or both so fined and imprisoned, at the discretion of the jury. The said board of directors shall have the exclusive right to keep and sell refreshments, or to say who shall keep and sell refreshments or other articles, and what shall be so kept and sold within their inclosure, and to eject all persons violating these regulations. It shall be the duty of said board to keep good order, prevent gambling or other evil practices within their inclosure.

§ 2. That this act shall be in force from its passage.

Approved February 6, 1867.

CHAPTER 1275.

AN ACT to amend an act to incorporate the Lancaster Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fourth section of the act to incorporate the Lancaster Cemetery Company shall read as follows: When any burial lot is purchased and paid for, the trustees shall convey the same to the purchaser, in the name of the corporation; but when a lot has been purchased and not paid

for, and occupied by the purchaser, if the same is not paid for on demand being made within four months, it shall be the duty of the trustees to remove the grave or graves therein to the public burying lot; and any conveyances that have been heretofore made by the trustees of Lancaster, are hereby legalized. The title may be transferred according to such rules and regulations as may be prescribed by the by-laws of the corporation, but in no other manner. If not transferred by the grantee, it shall descend or pass by devise as any other real estate. Such lots shall never be used for any other purpose than burial lots, and, if applied to any other use, the title shall revert to the corporation.

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Approved February 6, 1867.

CHAPTER 1276.

AN ACT increasing the County Levy of Oldham County for the years 1867 and 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Oldham county be, and they are hereby, authorized to increase the county levy for the years 1867 and 1868, from one dollar and fifty cents to three dollars, for the purpose of paying off the indebtedness of said county.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1867.

CHAPTER 1277.

AN ACT to incorporate the Greenup and Carter Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward F. Dulin, William C. Ireland, John Seaton, Will D. Jones, J. B. Ward, J. N. Hoard, B. F. Shepherd, and their successors, be, and they are hereby, created a body corporate, for the purpose of constructing a railroad from Hunnewell Furnace, in Greenup county, to intersect the Lexington and Big Sandy railroad, at or near Grayson; and shall be known as the "Greenup and Carter railroad company," and as such shall have perpetual succession.

§ 2. That the aforesaid Edward F. Dulin, William C. Ireland, John Seaton, Will. D. Jones, J. B. Ward, J. N. Hoard, B. F. Shepherd, be, and they are hereby, appointed commissioners, under the direction of any two of whom books may be opened for the purpose of receiving sub-

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scriptions to the capital stock of said company, at such times and places as they may prescribe by advertisements in one or more newspapers, and by advertisements posted at the court-house in Grayson for fifteen days, and may keep them open for such time as they may deem expedient : *Provided*, That any subscription tendered at any time and place other than those fixed by the commissioners, if received by any two of them, shall be valid.

§ 3. The capital stock of said company shall be one million dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property.

§ 4. Whenever fifty thousand dollars shall have been subscribed, the commissioners aforesaid, or a majority of those who act, may call a meeting of the stockholders of said company, at such time and place as they may designate, after advertising, as directed, for opening the books of subscription, for the purpose of electing a board of directors, to consist of seven members, stockholders of said company.

§ 5. The said company shall have all the powers and privileges, and be subject to the same disabilities, as provided in the act incorporating the Paris, Irvine, and East Tennessee railroad company, which is made a part of this act, except as provided specially herein.

§ 6. This act to take effect from its passage.

Approved February 6, 1867.

CHAPTER 1278.

AN ACT to empower the County Court of Oldham County to make subscriptions to the capital of Turnpike Roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of the county of Oldham, a majority of the justices of the peace of said county being present and concurring, be, and is hereby, authorized and empowered to subscribe stock for and in behalf of said county, to all turnpike road companies which have been or shall hereafter be incorporated by said county court, or by the Legislature of the State : *Provided*, That said subscription shall not exceed five hundred dollars (\$500) for each mile of road within said county, and shall not be paid over to the officers of said company, except upon the completion of each mile, or upon the court being satisfied that means are in the hands of the company to insure its completion.

§ 2. Said county court, a majority of the justices of the peace of said county being present and concurring, shall have power to levy a tax upon all property in said county subject to taxation for revenue purposes, sufficient for the

purpose of paying said subscription of stocks; said tax to be collected in the same manner and by the same officers, under the same liabilities and penalties, that revenue tax is now collected.

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§ 3. This act shall take effect from and after its passage.

Approved February 6, 1867.

CHAPTER 1279.

AN ACT to reduce into one the general acts concerning the town of Perryville, in Boyle County.

Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. that hereafter the prudential, fiscal, and municipal concerns of the town of Perryville shall be vested in five trustees (freeholders in the town of Perryville), who shall be elected annually, on the 1st Monday in May, ———, by the free white male inhabitants over twenty-one years of age, who shall have been *bona fide* residents in said town six months next preceding the election; said trustees, when elected, shall hold their offices for the term of one year, and until their successors are elected and qualified; said trustees, before they enter upon the duties of their office, shall take an oath before some justice of the peace that they will faithfully and impartially discharge their duties.

Election of trustees.

§ 2. That said trustees shall proceed, after their qualification, to elect one of their number chairman, who shall preside at their meetings, and have power to convene the board, and shall see that all the ordinances and by-laws of the town are duly executed.

May elect a chairman — his duties & powers

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, by the name and style of the "Board of Trustees of Perryville;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and do all acts and things which a body politic or corporate, having perpetual succession, can lawfully do.

Name & style.

§ 4. That said trustees, or a majority of them, shall have power to make or receive all necessary conveyances in relation to said town; they shall have power over the streets, alleys, sidewalks, and cemetery of said town, and may direct the improvement of the same as they shall deem most beneficial to the interests of the town. They shall have power to levy and collect an *ad valorem* tax upon the

May make conveyances, &c.

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property of said town, not exceeding fifteen cents on the hundred dollars in any one year, and a poll tax on each white male over the age of twenty-one years, not exceeding one dollar; they shall have power to tax shows, and exhibitions for money or profit, such sums as they, by their by-laws, may declare; they shall have power to grant or withhold license for the retail of spirituous liquors; to suppress all tippling-houses, and to fine all those who may violate their laws any sum not exceeding twenty dollars for each offense, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and tippling-houses, where the penalty may be one hundred dollars, which may be recovered before the police judge, hereinafter provided for, or any justice of the peace of Boyle county; they shall have power to declare what are nuisances, and remove the same; they shall have power to fill vacancies, to pass all by-laws and ordinances necessary for the carrying into effect all the powers herein granted, and executing all the provisions of this charter.

May appoint
all necessary
officers.

§ 5. That it shall be the duty of said trustees to appoint a treasurer, clerk, marshal, and such other officers as they may deem necessary, and take from them, respectively, bonds, with approved security, payable to the board of trustees of Perryville, and their successors in office, in such penalty as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motions made before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought and motions made against other officers for failure of duty.

Police judge
and marshal
shall be elected.

§ 6. A police judge of Perryville shall be elected by the free white inhabitants of said town, over twenty-one years of age, on the first Monday in May. The police judge shall hold his office for four years. The police judge, before he enters upon the duties of his office, shall take an oath before some justice of the peace to discharge the duties of his office faithfully and impartially, together with such other oaths as are usually required of public officers. Said police judge shall have jurisdiction, within the limits of said town, of all civil causes of which justices of the peace have jurisdiction. In all criminal cases arising in the county of Boyle, said police judge shall have the jurisdiction as a court of inquiry now given by law to two justices of the peace, and shall proceed in like manner as said justices are required by law in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgments, and award execution accordingly. He shall have power to grant injunctions, restraining orders, writs of

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ne exeat and *habeas corpus*, under the same rules and regulations now prescribed by the several acts authorizing certain justices of the county court to grant injunctions, writs of *ne exeat* and *habeas corpus*, &c.; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him; and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison, or both, for contempt: *Provided*, That said fine shall in no case exceed five dollars, nor the imprisonment three days. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be necessary before a circuit court or a justice of the peace. It shall be lawful for said police judge to take depositions and certify the same, to be read as evidence in any cause pending in any courts where the depositions now authorized to be taken by examiners may be read. He shall be entitled to the following fees: For a peace warrant, or for a riot, rout, or unlawful assembly, or breach of the peace, fifty cents; or for issuing a warrant for the violation of any of the ordinances or by-laws of said town, or in any case where the trustees are plaintiffs, twenty-five cents; for swearing a jury and presiding over it in any case, except forcible entry and detainer, fifty cents; for taking recognizance to keep the peace, upon the application of any person, fifty cents, to be charged to the applicant; for each subpoena, ten cents; for each original judgment in all civil cases, twenty cents. All other fees of said judge shall be the same as allowed by law to justices of the peace for like services, and collected in the same way.

§ 7. It shall be the duty of the treasurer and clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to the trustees of all moneys received and paid out by him, whenever by them required so to do.

The treasurer
& clerk—their
duties.

§ 8. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money or other thing which may be due from them, or either of them.

§ 9. That from all judgments rendered by said police judge, either party may appeal to the circuit court or county court, under the same rules and regulations authorizing appeals from judgments from justices of the peace to circuit or county courts.

Appeals.

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Duty of marshal.

§ 10. That it shall be the duty of the marshal to serve all process and precepts to him directed from the said police judge, and make due return thereof; collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for and pay over the same to those entitled thereto, under the same rules and regulations required of sheriffs in the collection of taxes, and constables in the collection of executions or other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against sheriffs or constables in similar cases. Said marshal shall have the same power, and be entitled to the same fees for collecting the town tax, that sheriffs are for collecting the county levy and revenue tax, and in all other cases the same fees allowed constables for similar services: *Provided, however*, Said judge have power and authority to direct his process to be executed by any constable or the sheriff of Boyle county. Said marshal shall be invested with all power and authority which is given constables in all cases cognizable before said police judge; he shall have power, if need be, to summon the aid of the county to execute any process to him directed; any person or persons failing to aid said marshal when so summoned, may be fined or imprisoned by said police judge, the fine not to exceed five dollars, nor the imprisonment three days.

Fines, &c., how to be applied.

§ 11. That all the fines and forfeitures for a violation of the ordinances or by-laws of said town, and in all cases cognizable before the police judge, shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town; and all moneys collected by a judgment of a justice of the peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall in like manner be paid over to the treasurer.

§ 12. That no money shall be drawn from the treasury, except by order of the chairman, in pursuance of an allowance made by said board of trustees.

§ 13. That the trustees shall have power to impose a tax upon all domestic animals running at large in said town.

§ 14. That the trustees shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each, separately, the amount of his, her, or their whole estate within said town (farming lands excepted) subject to taxation under the laws of this Commonwealth; which list shall be taken in the same manner that the revenue lists are now or may hereafter be taken.

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§ 15. That it shall be the duty of the clerk of the board of trustees to make out and deliver to the collector a fair copy of the assessors' book, with the amount of tax to be paid by each individual, and take his receipt therefor; and the trustees shall, by their warrant, authorize and direct their collector to collect the same; and shall make said clerk, assessor, and collector, such compensation as they may deem proper.

§ 16. The trustees shall cause all by-laws and ordinances passed by them, from time to time, to be recorded in the journal of their proceedings, and post up a copy of the same at not less than three public places in said town.

§ 17. That all titles by deeds and conveyances, heretofore made to former trustees of said town, all powers and authority given them, from time to time, by the Legislature, not repugnant to this act, be, and the same are hereby, vested in the trustees, and their successors in office, when elected, who are authorized to be elected under this act.

§ 18. It shall be the duty of the trustees, in every year, at least ten days before the annual election, to appoint two competent persons as judges of the election, who, being first sworn before the police judge or some justice of the peace, shall, in conjunction with the clerk of said board, hold an election for trustees as heretofore provided: *Provided*, That if the said trustees, at any time, shall fail or refuse to appoint the judges for conducting the election of trustees, the county court of said county shall, at their next or some succeeding court, on the application of any person, appoint judges and a clerk to conduct said election, and fix a day therefor.

Trustees may
appoint officers
of elections.

§ 19. The said trustees shall have full power and authority to open any street or alley which may be, or shall hereafter be closed, if, in their opinion, the opening of said alley or street so inclosed will add to the convenience of the citizens of said town.

May open
streets & alleys.

§ 20. That for any tax to be levied under this law, upon the personal or real property in said town, there shall exist a lien in favor of the trustees of said tax, unless the same shall be paid; and in case the owner or owners of said property, or some one for them, shall fail to pay such tax on or before the first day of September in each year, it shall be lawful for said trustees, by their town collector, after due notice, to sell at some public place in the town, so much of said real estate as will pay off and discharge the tax due thereon, which shall vest the purchaser with title and the right to hold the same: *Provided, however*, That the owner or purchaser of any such real estate so sold, their heirs, administrators, or executors, may, at any time within two years from the day of sale, redeem the

Lien given for
payment of tax.

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same, by paying or tendering to the purchaser, or, in case of his absence or removal, to the clerk of the board of trustees, the sum for which it sold, with ten per cent. per annum thereon, from the time of sale to the day of payment or tender; and if the owner of any property so sold shall fail to pay and redeem the same within one year, the trustees shall, if required so to do, convey the said estate so sold to the purchaser.

§ 21. The bounds of said town shall extend from the centre one half mile east, west, north, and south.

Approved February 6, 1867.

CHAPTER 1280.

AN ACT for the benefit of the Citizens of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any and all moneys now remaining in the hands of the county judge, or county treasurer, accrued or accruing from the sales of public lands already sold, or which shall hereafter be sold, lying south of Walker's line, and being under the jurisdiction of the surveyor of Monroe county, shall be paid out in assisting to rebuild the court-house and other public buildings, lately destroyed by fire.

§ 2. This act to take effect from its passage.

Approved February 6, 1867.

CHAPTER 1281.

AN ACT for the benefit of the Administratrix of George A. Clarke, deceased, of Metcalfe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the administratrix of George A. Clarke, late sheriff of Metcalfe county, be, and is hereby, given the further time of two years, from this date, to collect and distrain any fees due said Clarke as sheriff aforesaid, subject to the laws now in force as to the mode and manner of collecting and distraining for officers' fees.

§ 2. This act shall take effect from its passage.

Approved February 6, 1867.

CHAPTER 1282.

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AN ACT for the benefit of W. T. Evans, Administrator of W. F. Evans, deceased, late County Judge of Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the first day of January next, is given to W. T. Evans, administrator of W. F. Evans, deceased (late county judge of Barren county), to collect and distrain for any and all fee bills due and to become due said W. F. Evans, subject to all the penalties now prescribed by law for issuing and collecting illegal fee bills.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1867.

CHAPTER 1283.

AN ACT for the benefit of Emberson Leeslie, Jailer of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Emberson Leeslie, jailer of Monroe county, to live anywhere he may purchase or rent in the incorporation of the town of Tompkinsville.

§ 2. That all acts or parts of acts conflicting with this act, is hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 7, 1867.

CHAPTER 1284.

AN ACT for the benefit of the Citizens of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Carter, a majority of the justices of the peace in commission being present and concurring therein, shall increase the county levy one dollar and fifty cents on each tithe in said county, and ten cents on each one hundred dollars of taxable property in said county: *Provided*, That the fund raised by said increase shall be applied to the building of a bridge across Little Sandy river, on the State road near Washington Crawford's, in said county.

§ 2. That the said increased tax shall be levied at the September term of said court, 1867; and for that purpose the magistrates shall be summoned to that term.

§ 3. That the tax authorized by this act shall be collected as follows: seventy-five cents on each tithe, and five

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cents on each one hundred dollars' worth of taxable property in said county, in the year 1867, and the residue in 1868.

§ 4. This act shall take effect from its passage.

Approved February 7, 1867.

CHAPTER 1285.

AN ACT to amend an act, entitled "An act authorizing the election of a Police Judge and Marshal for the town of Carlisle, Nicholas County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Carlisle shall receive the same fees as justices of the peace for like services.

§ 2. That in case of a vacancy in the office of police judge or town marshal, the trustees of said town shall have power to fill such vacancy by appointment, until the next regular election for said office.

§ 3. That a majority of the board of trustees of said town shall hold the elections for police judge and marshal of said town at the time and in the manner prescribed by the Constitution and laws of this State.

§ 4. That this act take effect from and after its passage.

Approved February 7, 1867.

CHAPTER 1286.

AN ACT for the benefit of the Public Schools of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the general council of the city of Louisville shall have authority to pass an ordinance directing the issue of two hundred thousand dollars in the bonds of said city, said bonds to bear interest at the rate of six per cent. per annum, the interest to be paid semi-annually, and the principal to be paid at such time and place as the said general council may, by ordinance, determine, for the payment of which principal and interest, said general council shall have power to levy and collect a tax upon all property in said city taxable for State purposes; and it shall be the duty of said general council to order an election, to take the sense of the qualified voters of said city upon said ordinance; and should a majority of the votes cast favor such ordinance, then the said general council may cause bonds in the aforesaid amount of two hundred thousand dollars to be issued, which bonds shall be placed in possession of the board of school trustees of said city,

and the proceeds of the sales thereof shall be applied to the erection and preparation of buildings for the use of the public schools of said city.

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§ 2. That said board of school trustees shall have authority to borrow money in sums not to exceed fifteen thousand dollars per month, for a term not to exceed three months, to meet the current expenses of said public schools; said board pledging as security for the payment of such loans the proceeds of the school tax levied and collected during such year, as the said loans may have been effected.

§ 3. That the entire amount of each fine assessed in the city court of Louisville, alluded to in an act approved February 8th, 1864, shall accrue and belong to the school fund of said city.

§ 4. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act shall take effect from and after its passage.

Approved February 7, 1867.

CHAPTER 1288.

AN ACT to incorporate the Hillsborough and Mouth of Fox Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, to be styled the Hillsborough and Mouth of Fox Creek turnpike road company, for the construction of a macadamized turnpike road from Hillsborough, in the county of Fleming, to the Mouth of Fox Creek, on Licking river. That said company shall have a president and five directors; may sue and be sued; may receive relinquishment of right of way, and may condemn land, rock quarries, and timber for constructing said road and toll-houses, due compensation therefor having been made according to existing laws. The capital stock of said company shall not exceed \$15,000, to be divided into shares of fifty dollars each.

§ 2. That books for the subscription of stock in said company shall be opened at Hillsborough, on the first Saturday in April, 1867, or as soon thereafter as may be deemed advisable, under the supervision of James Newman, Eli Evans, Turner Anderson, James W. Crain, Silas T. Keech, John Clark, John Kerans, Enoch Shields, Taylor Thompson, and James Harman, or any three of them, who are hereby constituted commissioners for such purpose.

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and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Mechanics' Bank of Paducah, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Who to control affairs of bank.

President, regular meetings, &c.

May receive subscriptions, declare dividends, &c.

Stock deemed personal property.

Commissioners to open books.

When directors to be elected.

Payment on stock.

§ 2. Said bank shall be under the control and direction of five directors, each of whom shall be stockholders; they shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such time as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell, to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants, as they may deem necessary to conduct the business of the bank, and pay them such sum as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but such corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

§ 3. R. S. Ratcliffe, W. F. Norton, Q. Q. Quigley, J. M. Bigger, George Myers, and J. V. Gould, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when two hundred shares have been subscribed, it shall be their duty to give notice, in two or more daily newspapers published in Paducah, Kentucky, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: ten dollars on each share at the time of subscribing, and ten dollars within ten days after the election of the first board of directors, and the residue in installments not exceeding ten per cent. on each share every thirty days: *Provided*, That after fifty per cent. shall have been paid, the board of directors shall have power to prolong the time for the

payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some daily newspaper in Paducah, Kentucky, for thirty days, the directors may, by resolution entered on their record, forfeit such stock, and resell the same, at such time and place as they may deem expedient; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation. Said corporation may commence business as soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace for McCracken county.

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Stock may be forfeited.

When may commence business.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes, which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers; and, generally, this corporation shall have the rights and privileges granted to all and either of the chartered savings institutions and deposit banks of this State.

May receive deposits, loan money, &c.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

May acquire and hold real estate, &c.

§ 6. It shall be the duty of the president, on the first Monday in January in each year, to pay into the treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the sinking fund for this Commonwealth.

To pay State tax.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or know-

Penalty for defrauding bank.

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ingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the person so offending shall be guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

Not to issue.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 10. This act shall take effect from its passage.

Approved February 7, 1867.

CHAPTER 1292.

AN ACT to amend an act incorporating the Columbia and Burksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said turnpike road company shall hereafter be elected by the stockholders thereof on the first Monday in May of each year, and continue in office until their successors are elected and qualified; and in the event that an election is not held on the first Monday in May, as above provided, the president and directors shall fix the time of an election, and give notice thereof to the stockholders; and in case of the death, resignation, or removal of the president, or any one of the directors of said road, the remaining members of said board shall fill such vacancy until the next annual or regular election.

§ 2. That it shall and may be lawful for the president and directors to postpone the time for the payment of any unpaid stock in said road, without incurring the penalties imposed in the act to which this is an amendment, by entry of such postponement on the books of the company.

§ 3. That section 15 of said act be so amended as to authorize said president and directors to charge half toll upon the two consecutive miles of said road now completed.

§ 4. This act to take effect from its passage.

Approved February 7, 1867.

CHAPTER 1293.

1867.

AN ACT to incorporate the Hillsborough and Phelps' Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed to be styled the Hillsborough and Phelps' Mill turnpike road company, for the purpose of constructing a macadamized turnpike road from Hillsborough, in the county of Fleming, to Phelps' Mill. That the capital stock of said company shall not exceed fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 2. That books for the subscription of stock in said company shall be opened at Hillsborough, on the first Saturday in April, 1867, or as soon thereafter as may be deemed advisable, under the supervision of Johnson B. Phelps, John Clark, James W. Crain, Silas T. Keech, John Kerans, Enoch Shields, and John Gray, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock shall sign the following obligation, to-wit: We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the president, directors, and company of the Hillsborough and Phelps' Mill turnpike road company fifty dollars for each share of stock hereby subscribed by us. The number of shares so subscribed shall be designated by each subscriber opposite to his name; and said subscription shall be made in a book in which said obligation shall be written, preceding the subscribers' names.

§ 3. As soon as \$4,000 is subscribed, the stockholders shall be notified by said commissioners to meet at Hillsborough to elect five directors, who shall elect a president, clerk, and treasurer; said officers shall hold their office for one year, and until their successors shall be elected. The annual election for directors shall, after the first election, be on the first Saturday in April in each year. Each stockholder shall be entitled to one vote for each share of stock subscribed and paid in, as required by the president and directors. The president and directors shall take an oath before some justice of the peace faithfully to discharge their duties without favor.

§ 4. The president and directors may let out a portion of said road as soon as \$4,000 is subscribed; and as soon as said road is completed to Fox creek, and a suitable bridge erected across said creek, may collect toll for said road. The charge for toll shall be in conformity to the general law of this State regulating tolls on turnpike roads.

§ 5. The provisions of an act, entitled "An act to incorporate the Hillsborough and Poplar Plains turnpike road

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company," and any act therein referred to, shall apply to and regulate this company as to the election of officers, receiving releases of right of way, rock quarries, for condemning land for right of way, and all other matters necessary for building and managing said road, not inconsistent herewith.

§ 6. That this act shall take effect from its passage.

Approved February 7, 1867.

CHAPTER 1294.

AN ACT for the benefit of the University of Paducah.

WHEREAS, The council of the city of Paducah have failed to elect trustees for the University of Paducah at the time required by law, and doubts exist as to whether the board of trustees of said University are now in office by reason of said failure to elect; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of said board of trustees of the University of Paducah now exercising the powers of trustees and acting as such, shall continue by the provisions of this act trustees of said University until first day of June, 1868, and until their successors are duly elected and qualified as provided by law; and all their acts, contracts, and proceedings, up to the time of the passage of this act, are declared to be entitled to the same effect, and be held as obligatory as though they had been regularly elected as required by law. And the said University and the trustees thereof shall, and are hereby, invested with all the powers, rights, property, and franchises or interest therein, that has by all former acts of the Legislature been conferred upon the male seminary of Paducah. And all acts heretofore passed for the benefit of the male and female seminaries of Paducah, and that portion of an act approved February 8th, 1839, and not repealed by the act approved February 9th, 1866, is hereby re-enacted for the benefit of said University, female seminary, and other purposes of said act—said male seminary having been merged, by act of the Legislature, in the University of Paducah. And that the trustees of said University shall have the same power to sell or dispose of property, buildings, rights and franchises, or interest therein, that the trustees of the male seminary has or had by law.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1867.

CHAPTER 1295.

1867.

AN ACT to amend the Planters' Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to incorporate the Planters' Insurance Company of Kentucky," approved December 20th, 1865, be amended as follows: that the said company may issue capital stock to the amount of one hundred thousand dollars, divided into shares of one hundred dollars each, which may be increased at will of a majority of the directors to any amount not exceeding five hundred thousand dollars, to be subscribed and paid for in the manner specified by the directors of said company—stockholders entitled to one vote each share.

§ 2. To take effect from and after the passage of this act.

Approved February 7, 1867.

CHAPTER 1296.

AN ACT to change the name of the "Bank of Commerce" to "Franklin Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the name of "The Bank of Commerce" may be changed to Franklin Bank.

§ 2. This act to take effect from its passage.

Approved February 7, 1867.

CHAPTER 1297.

AN ACT to regulate and designate the proper name of the Hope and Merchants' Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the insurance company incorporated the 28th day of February, 1860, as the Hope Insurance Company, shall be known and exist, as provided in said act, under the name and style of "Merchants' Insurance Company;" and the insurance company incorporated as the Hope Insurance Company, by the act of the 19th day of January, 1865, shall be known and exist, according to the provisions of said last named act, as the "Hope Insurance Company" of Louisville.

§ 2. That the lawful acts of said companies respectively heretofore shall be valid and binding, although there may

1867. have been a change of both companies' names to "Merchant" Insurance Company.

§ 3. That all acts and parts of acts contrary to the provisions of this act are hereby repealed; and this act shall take effect from its passage.

Approved February 7, 1867.

CHAPTER 1298.

AN ACT for the benefit of Saml. A. Davis, late Sheriff of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel A. Davis, late sheriff of Union county, have the further time until the first day of June next to return his delinquent lists for the years 1864 and 1865.

§ 2. This act to take effect from its passage.

Approved February 7, 1867.

CHAPTER 1299.

AN ACT for the benefit of Wm. Willson, late Sheriff of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Willson, late sheriff of Union county, have the further time until the 1st day of June, 1867, to collect and pay over the revenue of his county for the year 1866: *Provided, however,* That the sureties of said sheriff shall go into court, and have it there entered of record that they will stand bound upon his bond the same as if this extension had not been granted.

§ 2. This act to take effect from its passage.

Approved February 7, 1867.

CHAPTER 1300.

AN ACT to amend an act to incorporate the Deposit Bank of Columbia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of said bank shall be, and is hereby, increased to the sum of one hundred thousand dollars, in shares as heretofore; and the directors of said bank shall have power to receive subscriptions or sell the shares of stock not already taken and subscribed in said bank, as also that authorized by this amendment: *Provided,* That the stock aforesaid shall not be sold at less than its par value.

§ 2. Said bank shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stocks, produce, and merchandise, in pledge for the security of money and debts owing it. It may also receive in pledge, or as security for money loaned or debts owing, United States vouchers, certificates, or bonds of indebtedness, or the bonds of the State of Kentucky, or any other State, city, or county, and sell the same on the non-payment of the debt or demand at the stipulated time of payment, according to any agreement made between the parties in writing, and pass a good title thereto to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid, or duly tendered: *Provided*, The owner or party pledging the same shall have twenty days' notice in writing of the time and place of sale, (which shall be at public outcry), if a resident of the State of Kentucky, and if a non-resident or absent from the State, then not until public notice is given in one of the newspapers published in the city of Louisville for twenty days; or the remedy may be by petition in equity as in cases of mortgages.

1867.

§ 3. This act to be in force from its passage.

Approved February 7, 1867.

CHAPTER 1301.

AN ACT for the benefit of James A. Hambleton, late Sheriff of Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasury in favor of James A. Hambleton, late sheriff of Breckinridge county, for the sum of forty-eight dollars and thirty-two cents, being for expenses incurred and money expended by him in taking a person judicially found to be of unsound mind, from said county to the Lunatic Asylum at Hopkinsville.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 7, 1867.

CHAPTER 1302.

AN ACT for the benefit of the Sheriff of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Cox, sheriff of Green county, shall have the further time until the 1st day of July, 1867, to pay

1867.

into the Public Treasury the balance of the revenue of Green county, for the year 1866; and that like time be given him to return his delinquent list for said year: *Provided*, That the securities of said sheriff shall appear before the 1st day of April next, or by their written consent filed in said court, give their assent to the indulgence hereby given.

§ 2. This act shall take effect from its passage.

Approved February 7, 1867.

CHAPTER 1306.

AN ACT to divide District No. 3, and to establish District No. 7, in Johnson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices' and constable's district No. 3, in Johnson county, be, and the same is hereby, divided, so that the following boundary shall hereafter constitute a new district, to be called district No. 7, viz: beginning at Sam Sgrave's mill, county line of Johnson, on lower Laurel of Blain; thence up the creek to the forks of same; thence with the dividing ridge between the two forks of said creek to the public road on Big Mudlick creek; thence with the road to the Big Mudlick on said creek; thence crossing the creek, and with the ridge below Joseph Salyer, jr's., branch to Big Paint creek, crossing Big Paint creek, and with the ridge below Ira Gullett's branch, to the present line of district No. 3, and with said line to the county line, and with the county line to the beginning.

§ 2. Until changed in accordance with existing laws, the voting place in the district hereby established shall be at the house of Jackson Webb, and the voting place in district No. 3 shall be at the house of B. F. Salyer.

§ 3. The justices and constable now holding office in district No. 3, shall have jurisdiction over the whole of the present boundary thereof, until the next regular elections for such officers, when two justices and a constable shall be elected for said district No. 7.

Approved February 11, 1867.

CHAPTER 1307.

AN ACT authorizing the Kenton County Court to supply lost or mutilated maps and plats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the county court of Kenton county be, and he is hereby, authorized and em-

powered, by an order entered upon the records of said court, to appoint some suitable and competent person to prepare duplicates or copies of such maps and plats as have heretofore been recorded or filed in the office of the clerk of said court, and have been lost or mutilated.

1867.

§ 2. That when such duplicates or copies are completed, they shall be reported to the said presiding judge for his inspection and approval, and, if found correct, he shall thereupon make an order directing them to be filed or recorded in the place and stead of the original maps and plats, and shall allow to the person appointed to prepare the same such compensation as may be deemed reasonable and just, which shall be paid in the same manner as other claims against the county.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1867.

CHAPTER 1308.

AN ACT to lay an additional levy in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the presiding judge of the Campbell county court, at the first term of his court held at Alexandria after the passage of this act, to make an order directing all the creditors of said county, the payment of whose claims were due prior to the year 1867, to list the amount of their several claims, and the interest which may have accrued thereon up to the time of such listing, with the clerk of said court, on or before the Saturday preceding the first Monday in May next, and to give public notice thereof in writing, posted at the court-house doors in Alexandria and Newport, and published for not less than two weeks in two newspapers having general circulation in said county.

§ 2. It shall be the further duty of the said presiding judge to convene the magistrates of said county, to meet at the court-house in Alexandria, on the said first Monday in May next, who, after inspecting the claims so listed, are directed to levy an *ad valorem* tax on the property in said county, outside of the limits of the city of Newport, and an additional levy for the year 1867, of not exceeding one dollar on each tithable, subject to the payment of county levies in said county, sufficient to pay the ascertained indebtedness, which shall be collected during the year 1867, by the sheriff, at the same time, and in the same manner, as other State and county taxes are collected; and should there be any excess collected, it shall go to lessen the county levy for the year 1868, and any deficiency shall be

1867. charged against the county levy for said year 1868; and all claims listed and approved shall be paid as soon as said tax is collected.

§ 3. This act shall take effect from its passage.

Approved February 11, 1867.

CHAPTER 1311.

AN ACT for the benefit of J. B. Ross, Sheriff of Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, is given to J. B. Ross, sheriff of Ballard county, in which to list and collect all fees due to him as sheriff of Ballard county, under the existing laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1867.

CHAPTER 1312.

AN ACT to change the time of holding the Quarterly Courts in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the terms of the quarterly courts of Gallatin county shall commence on the second Monday in the months of February, May, August, and November of each year, and continue at each term as long as the business thereof may require it.

§ 2. This act shall take effect from and after the first of March, 1867.

Approved February 11, 1867.

CHAPTER 1313.

AN ACT for the benefit of E. D. Porch and J. E. Cosson, Clerks of the County Court and Circuit Court of Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. D. Porch, clerk of the county court of the county of Pulaski, and J. E. Cosson, clerk of the circuit court of the same county, be, and they are hereby, allowed the additional time of one year to collect their fees, as provided by law, within the time limited.

§ 2. This act to take effect from its passage.

Approved February 11, 1867.

CHAPTER 1315.

1867.

AN ACT to amend the Charter of the Erie Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved February 17th, 1866, entitled "An act to incorporate the Erie Transportation Company," be so amended as to change the name of said corporation from "The Erie Transportation Company, to "The Saint Louis and Pacific Express Freight Company," and that said corporation shall hereafter be known by the said name of the Saint Louis and Pacific Express Freight Company; and may contract, sue and be sued, by said last name; and so much of said charter as fixes "The Erie Transportation Company" as the name of said company, is hereby repealed.

§ 2. The existing rights and liabilities of said company shall in no manner be affected or changed by this act; and as to such existing rights and liabilities, said company may sue or be sued by either its present or former name.

§ 3. This act to be in force from its passage.

Approved February 11, 1867.

CHAPTER 1316.

AN ACT to incorporate the Louisville Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. M. Lemont, Z. M. Shirley, W. F. Harris, Wm. C. Hite, and J. L. Bradley, and their successors, are hereby constituted a corporation, to have corporate existence for thirty years.

Corporators
names.

§ 2. The capital stock of said company shall consist of one hundred and fifty thousand dollars, to be divided in shares of one hundred dollars each; but the same may at any time be increased to an amount not exceeding three hundred thousand dollars, by order of the board of directors.

Capital stock.

§ 3. The business of said company shall be managed by a board of five directors and a president, who may be one of the directors, or not, at the option of the board.

Who to man-
age.

§ 4. There shall be elected by the board of directors a secretary and treasurer, not of their number; and said board may provide by by-laws for the appointment of any other officer or officers they may deem necessary.

Secretary,
treasurer, and
other officers to
be appointed.

§ 5. Said corporation is empowered to carry on the business of common carriers in transporting passengers, baggage, merchandise, and other articles between points within the State of Kentucky and points without said State, and also between points wholly within said State.

May transport
passengers, bag-
gage, &c.

- 1867.** § 6. Said corporation shall be liable as such to the operation of all ordinances of the city of Louisville regulating streets and vehicles, taxation and licenses, in the same manner that an individual would be or is.
- Liable to city of Louisville.
- § 7. The election for directors shall be held annually at such time and place, and in such manner, as the directors of said company shall by by-laws prescribe; but no forfeiture shall arise from any failure to elect; but in all such cases the acting board shall serve until their successors are elected.
- Election of directors.**
- § 8. The board shall elect the president of the company, and may fill any vacancy occurring in the board by death or resignation.
- President, vacancies, &c.**
- § 9. The manner of subscribing and paying for stock and issuing certificates therefor, transferring the same, and the general transaction of corporate business, shall be regulated by by-laws, to be from time to time enacted by the board.
- Manner of subscribing, paying, and transferring stock.**
- § 10. Said company is vested with the general common law powers of corporations, and in addition thereto, may hold such real estate as may be necessary or convenient in the transaction of their business, not exceeding one hundred thousand dollars in value.
- Powers vested in corporation.**
- § 11. The corporators above named shall serve as directors, with full power as such under this act until their successors are elected. The principal office of said company shall be in Louisville.
- Corporators to serve until directors elected. Principal office.**
- § 12. This act shall be in force from and after its passage.

Approved February 11, 1867.

CHAPTER 1318.

AN ACT to incorporate the Crab Orchard Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Stuart, John Edmiston, W. H. Holdam, W. T. Stephenson, M. J. Harris, and W. O. Hansford, their successors, assigns, and associates, be, and they are hereby, constituted a body corporate and politic, under the name and style of "Crab Orchard Cemetery Company;" to have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended against, in all courts of this Commonwealth and elsewhere; may have and use a common corporate seal, and the same alter, break, and renew at pleasure; may establish such by-laws, rules and regulations, as they may deem expedient for the government, arrangement and disposition of the property and effects of the company

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also for the government, arrangement, and election of its officers, make and alter its by-laws, and do all other things and acts necessary and proper for effecting the object of their corporation, which is to provide a repose for the dead: *Provided, however,* They do no act inconsistent with the laws of this State or of the United States.

§ 2. Said corporation shall have power to purchase, take by gift, hold, transfer, and sell, exclusively for burying purposes, such tract or tracts of land, not to exceed twenty acres, to be located within one and a half miles of the town of Crab Orchard, which shall be forever free from any interference of turnpikes, railroads, or other public improvements, unless by unanimous consent of the directors; may improve the same by avenues, walks, embellishments, and adornments; may subdivide the grounds in suitable lots for graves or vaults, and may sell the same at pleasure, which lots shall be used exclusively for burial purposes and no other, except such portion of said grounds the directors may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds; and said tracts or lots of land are hereby forever dedicated and set apart to be held by said corporation, their associates, successors, and assigns, for the purpose aforesaid, and no other. Said cemetery grounds, and all lots in said cemetery, shall be forever free from attachment or sale for debt, and shall be forever free from State, county, railroad or turnpike, or other taxes.

§ 3. The affairs of this corporation shall be managed by a board of directors consisting of six persons, all of whom must be stockholders or owners of lots in said cemetery, under such rules and regulations as the directors may, from time to time, adopt. The board of directors may be elected annually by the shareholders, and hold their office for one year, and until their successors are elected and qualified; they shall choose a president out of their number, and appoint a secretary and treasurer; the treasurer shall be required to give such bond as may be deemed sufficient by said directors, conditioned to pay over to the order of said directors such sum or sums of money belonging to said corporation. A majority of the directors shall constitute a quorum; all vacancies in said directors shall be filled by an appointment made by the president.

§ 4. The persons herein named as incorporators shall constitute the first board of directors, who shall hold their offices for one year, and until their successors are duly elected and qualified; they shall meet for the transaction of the business of the corporation as often as the president may deem it necessary to call them together.

§ 5. The board of directors shall have power to erect buildings for the general use of the corporation, and for

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the keeper of the grounds, and to prescribe rules for inclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; may abate or alter any improvement, construction, or division of the grounds which, in their judgment, may be objectionable or improper.

§ 6. All receipts, whether from sale of lots, from donations, or otherwise, shall be applied exclusively, under the direction of the board, to first paying for their grounds, then the extension of the grounds, to laying out, preserving, protecting, and embellishing the cemetery, and the avenues leading thereto, and to paying the necessary expenses of the corporation; lots shall be sold in such manner and on such terms as may be prescribed by the board. The board of directors shall have power to appropriate lots for the interment of persons of merit, who are unable to procure lots.

§ 7. The original conveyances of lots from the corporation to individuals shall be evidenced by a certificate, signed by the president, and countersigned by the secretary, under the seal of the corporation, specifying that such a person is the owner of such lot, and such certificate shall vest in such proprietor, his heirs and assigns, a right in fee simple to such lot, exempt from execution, attachment, taxation, or any other claim, lien, or process whatever, for the sole purpose of interment under the regulations of the corporation; and said certificate shall have the same force and effect as deeds duly executed in other cases, and may be recorded and certified; copies thereof shall be evidence as in other cases; and said lots, or such portions thereof as may be prescribed by the board of directors, and with their assent, may be conveyed by deed, in due form of law, for the sole purpose of interment as aforesaid; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full, nor shall any person be proprietor of more than two lots at the same time, unless by the unanimous consent of the directors.

§ 8. Any person who shall willfully destroy or deface the tombs, monuments, shrubbery, adornments, or any thing pertaining to said cemetery or its avenues, or who shall hunt or shoot game of any kind on said grounds, shall, upon conviction of said offense, or any of them, be fined not less than five dollars, nor more than twice the value of the property injured or destroyed, and such amount shall be expended in repairing said damages, or for the improvement of the grounds; any magistrate of the county, the county judge, or other court of competent jurisdiction, shall have jurisdiction in such cases; in all suits in which

this corporation may be a party, the members thereof shall be competent witnesses.

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§ 9. That this act take effect from and after its passage.

Approved February 11, 1867.

CHAPTER 1319.

AN ACT to incorporate "Miss White's Institute" for "Young Ladies."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary institution heretofore established and conducted by Miss M. W. White and her assistants, in the city of Louisville, shall hereafter be known by the title of "Miss White's Institute for Young Ladies."

§ 2. That Miss M. W. White as principal, Magill Robinson, H. B. Hill, H. C. Morton, A. B. Semple, J. C. Gilbert, Geo. W. Morris, G. F. Downs, Isaac Caldwell, and John White, as a board of trustees, and their successors, shall be, and are hereby, made a body-politic and corporate, by the name and style of "The Principal and Board of Trustees of Miss White's Institute for Young Ladies;" and as such shall have perpetual succession, and a seal of the Institute.

§ 3. That the principal shall have power to direct the course of study, to appoint such assistant teachers as may be necessary for a thorough course of English and classical instruction, and make such laws and regulations as may be deemed expedient for the government of the Institute.

§ 4. That the principal (Miss M. W. White) shall have power to name her successor.

§ 5. That the board of trustees shall elect from their number (five being a quorum) a president, and such other officers as may be necessary; shall visit the Institute, and give such counsel to the principal as the interests of the Institute may require.

§ 6. That the principal and teachers shall have power, with the consent of the president of the board of trustees, to confer degrees and grant diplomas, signed by the principal, teachers, and president of the board of trustees, together with the seal of the Institute, which shall be as valid as those conferred by any other institution or college in this State: *Provided*, That no degree be conferred upon any of the students but those who shall have completed the prescribed course of study, passed a satisfactory examination, and who shall have maintained a good moral character.

§ 7. That in case of a vacancy in the board of trustees, the principal shall have power to fill such vacancy by appointment.

1867. § 8. That this act shall take effect from and after its passage.

Approved February 11, 1867.

CHAPTER 1320.

AN ACT to legalize the laying off the town of Catlettsburg and the additions thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that part of Catlettsburg situate at the mouth of Big Sandy, in the county of Boyd, and the lots, streets, and alleys, as shown by a copy of map of said town, made [by] M. T. Hilton, dated 2d January, 1867, is hereby established and legalized. This section to have effect upon the recording a copy of map, as made out by Hilton, in the clerk's office of the Boyd county court.

§ 2. That the addition to said town, as laid off by John Culver in his lifetime, and the addition below, or on the north side of Catlett's creek, laid off by D. D. Geiger, are legalized as part of said town, upon maps of said additions being filed and recorded in the clerk's office of the Boyd county court.

§ 2. That the alley passing over the public square in Catlettsburg, from Franklin street to the south line of said square, is discontinued.

Approved February 11, 1867.

CHAPTER 1321.

AN ACT to incorporate the Lynnland Female Institute, in Hardin County.

WHEREAS, Messrs. Richard Gaither, Henry Sprigg, Wm. Sprigg, Saml. Sprigg, Samuel Hansborough, J. J. Jeffries, and F. W. Simmons, citizens of Hardin and Larue counties, have purchased a tract of land in Hardin county, and are now engaged in erecting suitable buildings for educational purposes (a female college), and desire an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Gaither, Henry Sprigg, Wm. Sprigg, Samuel Sprigg, Samuel Hansborough, J. J. Jeffries, and F. W. Simmons, and their successors, be, and they are hereby, constituted a body-politic and corporate, by the name and style of the Lynnland Female Institute; and as such shall have perpetual succession, with full power to acquire and hold real estate to the amount of one hundred thousand dollars; to transfer real and personal estate, make con-

tracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make such rules, by-laws, and ordinances as they may deem necessary for the government of said Institute and corporation, not inconsistent with the Constitution or laws of Kentucky.

1867.

§ 2. The capital stock shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each. The corporators shall have power to sell as much of said stock as they shall determine, and in the election of president, and all the officers including trustees, the stockholders shall be entitled to one vote for each share of stock he may hold.

§ 3. The corporators shall elect a board of trustees, and said trustees shall have power over all the business and fiscal concerns of said Institute, and may elect a president, treasurer, clerk, and other officers that may be necessary. That as many as a majority of the trustees meeting in pursuance of their own rules, shall constitute a quorum for the transaction of business.

§ 4. The stockholders shall have power to transfer stock in said corporation, and to fill all vacancies which may occur among the professors or trustees. They shall not be required to procure a common seal, but all their corporate acts may be performed and evidenced under the official signature of the president, who shall be chosen out of their own body annually. That the trustees of Lynnland Institute shall have power to confer upon the graduates of said Institute all, or any of the degrees, with a diploma, conferred by other corporate institutions of learning in this State; and the private seal of the president of the board, and of the faculty of the Institute, may stand in lieu of a corporate seal, or until one is procured.

§ 5. This act to take effect from its passage.

Approved February 11, 1867.

CHAPTER 1322.

AN ACT to amend the Charter of the Bowling Green Building Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said building company may hereafter borrow money, not exceeding an amount equivalent to one half the capital stock paid in, instead of one fourth, as provided in said 6th section of said act.

§ 2. This act shall be in full force from and after its passage.

Approved February 11, 1867.

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CHAPTER 1323.

AN ACT to incorporate the Carlisle and Parks' Ferry Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and
style.

§ 1. That a company shall be, and the same is hereby, created and established, under the name and style of "Carlisle and Parks' Ferry turnpike road company," for the purpose of constructing an artificial road on the McAdams plan, from Carlisle, Nicholas county, on the most practicable route, to Parks' Ferry, Nicholas county.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be increased or diminished as the board of directors may determine, to be divided into shares of fifty dollars each.

Commissioners
to open books.

§ 3. A book for the subscription of stock in said company shall be opened at any time after the passage of this act, at such place or places as may be most convenient, under the direction of Peyton Adair, John W. Campbell, George Smart, Hezekiah Smart, Henry V. Myers, and Thompson S Parks. That said commissioners, or any one or more of them, appointed by this act to open books for the subscription of the capital stock of said company, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the Carlisle and Parks' Ferry turnpike road company, the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company," which amount shall be collectable in the proper courts.

Obligation.

Books to be
kept open.

§ 4. The books of subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed, or thereafter, if necessary to increase the stock.

Directors to be
elected.

§ 5. So soon as eighty shares in said company be subscribed, it shall be the duty of said commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, to meet in Carlisle, for the purpose of choosing officers, said notice to be put up at three of the most public places on the contemplated road ten days previous to said meeting, at which election at least two of said commissioners shall be present, who shall proceed to take the vote by ballot, in person or by proxy, of said stockholders, each stockholder having one vote for every share so held, for a president and six directors, which may

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be reduced to four by a vote of the stockholders, who shall hold their offices for one year, and until their successors are duly elected and qualified. The time and place of all elections after the first shall be fixed by the president and directors for the time being. The president and directors, before they enter upon the duties of their offices, [shall] take an oath before some justice of the peace that they will faithfully discharge the duties of their respective offices without favor or affection, according to the best of their judgment. After being qualified, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold his or their office one year, and until others are appointed; but removable at the discretion of the president and directors. The treasurer of said company, before entering into the duties of his office, shall give such bond and security and penalty as the president and directors may require; the obligation to be made payable to them, conditioned that he will faithfully discharge the duties of treasurer of said company; and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

President and directors to take oath. i

Treasurer to give bond.

§ 6. The president and directors, when elected and qualified as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of the "Carlisle and Parks' Ferry turnpike road company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to have a common seal, and to do all and every other matter or thing which a body-politic or corporate may lawfully do.

Corporate powers.

§ 7. The said president and directors, upon entering upon the duties of their offices, may call upon the stockholders for the payment of such sums, on each share, and at such times, as they, at their discretion, may deem expedient.

Calls on stock.

§ 8. No person but a stockholder shall hold any office in this company. Vacancies shall be filled by the remaining portion of the board by appointment, until the regular annual election.

Qualification of officers.

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Certificates of
stock.

§ 9. The president and directors shall deliver a certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, so soon as said company adopts one, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferable on the books of said company, in person or by attorney; but no share shall be transferred until all arrearages are paid thereon.

President may
call meetings.

§ 10. The president may call meetings of the directory at such times and places as he may think proper; a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, which shall be signed by the president. And, in case of his absence, the directors shall elect one of their own number *pro tempore*; and they may adjourn from time to time, as they may think proper.

Location of
road.

§ 11. The president and directors shall, with the aid of a competent engineer, select the route of said road, and locate the same, having due regard to the wishes of a majority of the stockholders in amount; and contract for the making of any part of said road, when the amount of stock subscribed [shall] be sufficient for that purpose.

Right of way.

§ 12. The president and directors are hereby authorized to take the consent, in writing, of any person or persons willing to grant the right of way for said turnpike, the use of rock and timber for building the same, without charge, which being so given, shall be binding to all intents and purposes. They shall agree with and appoint engineers and other officers deemed necessary to carry on the work; and do all other matters and things which they are or shall be required to do by the charter, and by the by-laws of the corporation.

May survey
routes.

§ 13. The president and directors, together with the surveyors and engineers, are hereby authorized to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and examine and survey the ground for the purposes here intended, and to examine quarries, beds of stone and gravel, and other materials necessary for the construction of said road.

Right of way
may be con-
demned.

§ 14. When the right of way or for materials cannot be obtained by contract, the same may be condemned under the provisions of sections 29, 30, 31, and 32, of chapter 103, of the Revised Statutes, entitled "Turnpike and Plank Roads."

Width of road.

§ 15. The dirt grade of said road in width shall not be less than twenty feet, and the stone or gravel sixteen feet, and the elevation shall not exceed five degrees. The president and directors may, however, order the width of the road greater, and the elevation less.

§ 16. If any stockholder shall neglect or refuse to pay his proportion of stock for thirty days after the time set for the payment thereof, every such stockholder, in addition, shall pay at the rate of one per cent. per month on the installments so called from the time the call was made for every delay, of such payment; and if payment shall be delayed six months after the time set for payment, such delinquent may, by order of the board of directors, be made to forfeit his share or shares to the corporation, together with all that may have been paid thereon; and the president, by order of the directors, shall sell the said share or shares at public auction, having given ten days' notice: *Provided*, The same will bring the balance due on said share or shares: *And provided*, That no stockholder shall be entitled to the rights and privileges of the corporation who is a delinquent, as to the requisitions of the president and directors.

1867.

Delinquent
stockholders.

§ 17. When three miles of said road shall be completed, the said company may erect a turnpike gate, and for each mile of the road over five they may charge proportionably. The rates of toll shall be the same as regulated by provisions of the general turnpike road law.

When ma
erect toll-gate.

§ 18. That if any person, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining the said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the toll, by traveling on said road with any animal, wagon, or other vehicle, and avoiding the toll-gate or gates by turning out in by-paths and private ways, so as to defraud said company thereby, such person or persons so offending shall, for every such offense, forfeit and pay to the president and directors the sum of five dollars, recoverable before any justice of the peace, in like manner as other debts of equal amount, in the name of the president and directors.

Penalty for
non-payment of
toll.

§ 19. The president and directors shall keep a fair and correct account of all moneys which shall be received by them from the subscribers of said company; also, all moneys which shall be expended by them in the prosecution of said work; and all costs, charges, and expenses of said road shall be paid and discharged, and the sum total, when ascertained, shall be entered on the books of the treasurer. The president shall, at the end of every six months after the completion of five miles of said road, and every six months thereafter, make out a balance-sheet for the inspection of the stockholders, and make dividends of the clear profits, if any, and pay the same to the stockholders.

Account of
receipts to be
kept.

1867.

Gate-keepers
to give bond.

§ 20. The president and directors shall take bond with good security from the toll-gate keepers and other persons employed by them, for the faithful discharge of the duties to them respectively assigned or committed, which bonds they may cause to be renewed whenever they may deem necessary, and shall be payable to the president and directors and company aforesaid.

May make
by-laws, &c.

§ 21. That it shall be lawful for the president and directors of the aforesaid company to make any set of by-laws, not inconsistent with the provisions of this act, and the Constitution and laws of Kentucky.

County may
take stock.

§ 22. That whenever the presiding judge of the Nicholas county court shall be satisfied that eighty-one shares have been subscribed to the capital stock of said company, he may, for and on behalf of Nicholas county, subscribe thirty-seven shares in the stock of said company, to be paid out of the first moneys collected of the Nicholas county turnpike fund, not previously appropriated; and should that amount of stock be insufficient to complete the road, then said county judge shall subscribe for said county of Nicholas one third as much stock as shall be raised by private subscription, until enough shall have been taken to finish the road.

§ 23. This act to take effect from its passage.

Approved February 11, 1867.

CHAPTER 1324.

AN ACT to amend the Charter of the North Kentucky Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, in all elections for officers of the North Kentucky Agricultural Society, it shall and may be lawful for the stockholders of said society to vote by proxy.

§ 2. This act to be in force from its passage.

Approved February 11, 1867.

CHAPTER 1325.

AN ACT to repeal an act, entitled "An act for the protection of Sheep in Greenup County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the protection of sheep in Greenup county," be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 11, 1867.

CHAPTER 1326.

1867.

AN ACT for the benefit of Common School District No. 30, in Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The trustees of the Henry Male Seminary shall have full power and authority to use any of the funds belonging to said institution, and also the funds belonging to, or which may hereafter become due to common school district No. 30, known as the New Castle district, for the purpose of enabling them to have taught in said district, for at least six months in each year, a school which shall be free to all the white children in said district between the ages of six and twenty years.

§ 2. All the powers and duties of the trustees of said common school district are hereby transferred to the trustees of the Henry Male Seminary, who are to exercise the same in the manner now prescribed by law for common school trustees.

§ 3. Whenever the trustees of said Seminary shall fail, for a period of one year, to have taught in said district a school free to all children of the ages above designated, for at least six months in the year, the common school fund hereby transferred to their custody, not already appropriated to school purposes, shall revert to and be controlled by trustees for said common school district, in the same manner as before the passage of this act.

§ 4. To be in force from its passage.

Approved February 11, 1867.

CHAPTER 1327.

AN ACT for the benefit of School District No. 26, in Harrison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school commissioner of Harrison county be, and he is hereby, authorized and directed to pay, out of any balances remaining in his hands one year after due notice given to the trustees of districts to which those balances were apportioned, to the trustees of school district No. 26, in said county, for school taught therein in 1865, the sum of forty-five dollars and fifty-eight cents (\$45 58), and make settlement for the same as for moneys paid out by him on regular apportionment.

§ 2. That this act shall take effect from its passage.

Approved February 11, 1867.

1867.

CHAPTER 1328.

AN ACT to amend the Charter of the Carlisle Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Carlisle Cemetery Company," approved February 14th, 1861, be, and the same is hereby, so amended as to place the old burial ground adjoining the new cemetery grounds under the management and control of said cemetery company, in the same manner, and to the same extent, that the new cemetery grounds are controlled by them.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1867.

CHAPTER 1329.

AN ACT to incorporate the Town of Curdsville, in Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town incorporated,
bound-
ary, &c.

§ 1. That the town of Curdsville, in the county of Daviess, be, and the same is hereby, incorporated, the boundary of which is to be as surveyed and laid off under the direction of William C. Hayden, John F. Blanford, Aquilla Spray, Wm. Hall, and Abe Long, any three of whom may act, beginning at or as near the centre of the village of Curdsville as they can, and extending north, east, south, and west from the center aforesaid, so as not to include more than one mile square; the plat of said survey is to be made out and filed in the office of the clerk of the Daviess county court; and another copy of said survey shall be filed by said Hayden, Blanford, Spray, Hall, and Long, with the trustees of said town of Curdsville, which plat of survey shall form a part of their record.

Trustees to be
elected.

To take oath.

Body politic
and corporate.

§ 2. That on the first Saturday in May, of each year, there shall be elected, by the qualified voters resident in said town, ten days' previous notice having been first given by the clerk of the board of trustees, by posting up such notice at three of the most public places in said town, five trustees for said town, who shall, before they enter on the discharge of their duties, take an oath before some justice of the peace of said county of Daviess that they will faithfully discharge the duties of the office aforesaid; that said trustees and their successors shall be a body-politic and corporate, and shall be known as the Board of Trustees of the Town of Curdsville; and by that name shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded with, in all the courts of this Commonwealth.

§ 3. That said trustees shall elect one of their number as chairman of their board, who shall preside over their deliberations when convened, and who shall have power to convene the board in session whenever he may deem it necessary; the regular meetings of said board shall be on the second Saturday in each month; but all business transacted at a called meeting shall be as valid as though transacted at a regular meeting: *Provided*, That there are not less than four trustees present; at a regular meeting three trustees shall be capable of transacting business.

1867.

Chairman to be elected.

Regular meetings, &c.

§ 4. That said board of trustees shall have power over the streets, alleys, and side-walks, and may direct the opening and improving of the same, in such manner as they may deem most beneficial to said town; they shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the laws of the United States and of this Commonwealth; they shall have power to levy and collect a tax upon the property and tithes in said town, not to exceed one dollar for each tithe, and not exceeding twenty cents on each one hundred dollars' worth of property, to be applied to the improvement of the streets, alleys, and side-walks, or other improvements necessary for said town; they shall have power to purchase any lot or piece of ground for the use of the said town, necessary to strengthen or extend the streets therein; they shall have power to suppress tippling-houses and gaming, to fine all persons who may violate their by-laws in relation thereto any sum not exceeding twenty dollars for each offense, to be recovered before either of the justices of the peace residing in the district in which Curdsville is situated. It shall be the duty of said board of trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and to take bond and security in every such appointment, for the faithful discharge of duty according to law; and for a violation of duty on the part of any such officer, motions may be made or suits brought before any tribunal having jurisdiction thereof; and a majority of said board of trustees may, for proper cause, remove any officer, and appoint others in his or their stead; that it shall be the duty of said treasurer and clerk to keep a record of all proceedings which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to said board of trustees of all moneys received and paid out by him, whenever requested by them to do so.

Trustees to have power over streets, &c.

May levy tax to improve streets

May suppress tippling-houses

Treasurer, clerk, &c., to be appointed.

Officers may be removed.

§ 5. That no street or alley shall be extended over the land of any person, unless such owner consent thereto, or such land sufficient to extend such street or alley shall have been purchased as provided in chapter 84, section 1st, of Revised Statutes, in reference to public roads; and the

Streets and alleys—how extended.

1867. proceedings to extend said streets and alleys shall be in strict conformity to said chapter.

How money
drawn from
treasury.

§ 6. That no money shall be drawn from the treasury except by order of the chairman of said board of trustees, made in pursuance of an allowance made by said board.

Right of appeal

§ 7. That upon all judgments rendered by either of the justices of the peace in said district, in which said town of Curdsville is situated, founded on a violation of the town ordinances or by-laws provided for in this act, either party shall have the right to appeal in the same manner as parties have from judgments of justices of the peace, now provided for by law.

Constable to
serve process.

§ 8. That the constable resident in the district in which Curdsville is situated shall serve all process coming to his hands from either of the justices of said district, and collect all executions and other demands put in his hands which issued in accordance with the ordinances and by-laws of said town, and account for and pay over all moneys collected by him on behalf of said town to the treasurer; and on failure or refusal to discharge any of the duties herein required of him, he shall be subject to the same proceedings which may be had against constables in similar cases.

Compensation
of officers.

§ 9. That said board of trustees shall fix the compensation of all of their officers, except the fees of the justices of the peace and constable in said district, whose fees shall be the same as now regulated by law for similar services under the Statutes of the State.

Fines to be
paid to treasurer.

§ 10. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town, shall be paid to the treasurer of said board of trustees, for the use and benefit of said town.

Ordinances to
be transcribed
in a book.

§ 11. That all ordinances and by-laws passed by said board of trustees, shall be transcribed in a fair legible hand, in a book which shall be kept for that purpose, by the clerk of said board, as well as the proceedings of said board of trustees, which shall be open to the inspection of each and every citizen on demand.

First election
of trustees.

§ 12. That the first election of trustees under this act of incorporation shall be held on the first Saturday in May next, under the supervision of Aquilla Spray, John F. Blandford, Abe Long, and Decius M. Priest, any two of whom may act as judges, who are hereby empowered to appoint a clerk and sheriff to assist in conducting said election. The trustees elected at said election shall hold their offices until the first Saturday in May, 1868, or until their successors are elected and qualified: *Provided*, Ten days previous notice of said election shall have been given by written notice posted up in three of the most public places in said town.

§ 13. That the first board of trustees elected under this act shall provide, prior to the next election, proper officers for holding the same; and if, from any cause, the annual election contemplated by this act of incorporation for a board of trustees shall fail to be held, the board then in office shall make the necessary provision for holding said election as soon thereafter as may be, and they then shall give at least ten days' notice of the time and place of holding said election, by written notice of the time and [place] of holding said election by written notices posted up at three of the most public places in said town.

1867.

Annual elections to be provided for.

§ 14. That all acts or parts of acts coming within the purview of this act, be, and the same are hereby, repealed.

§ 15. That this act shall take effect from and after the first day of April next.

Approved February 11, 1867.

CHAPTER 1330.

AN ACT to amend and reduce into one the several acts concerning the City of Henderson.

ARTICLE I.

Boundaries—Corporate Powers—Wards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of the city of Henderson shall be as follows: Beginning in the centre of the bridge, on the Henderson and Hebardsville plank road, over the town fork of Canoe creek; running thence in a straight line to the corner of ten-acre lots Nos. 4 and 5; thence with the dividing line of said lots, in a straight line north, 71 west, to low water mark on the Ohio river on the Indiana shore; thence down the river, with its meanders, on the low water margin thereof, to a point opposite the lower line of lower Eighth cross street; thence across said river south, 59 east, along the line of said Eighth cross street, and continuing the same course until it intersects the present Henderson and Madisonville road; and thence in a straight line to the beginning. Boundaries.

§ 2. The territory embraced within this boundary is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic forever, with perpetual succession, by the name of the "City of Henderson;" and by that name retaining and possessing the power to sue and be sued, plead and be impleaded, contract and be contracted with; to have and use a common seal, and the same to alter, change, and renew at pleasure; and to hold, enjoy, lease, or sell and dispose of, any property now vested in the city of Henderson, or in any person or Corporate powers.

1867.

corporation for the use of said city, or which may be hereafter required, to the intent and purposes for which the same was, is, or may be taken or granted, notwithstanding its locality; and in all suits against said city, service of process shall be upon the acting mayor, or, in his absence, upon the clerk and marshal. The said city shall have police jurisdiction on the Ohio river for one mile above and below the boundaries of the city.

Wards.—

§ 3. The city shall be divided into four wards as follows: The street now known as Elm street, from the upper to the lower city limits, shall divide the river wards from the back wards; and the line of the street known as First upper cross street, running from the river, and continued in the same direction until it intersects the back boundary of said city, shall divide the upper from the lower wards. The names or numbers of these wards shall be fixed by ordinance. Said wards may be subdivided by the common council whenever they may deem it necessary for the interests of the city: *Provided*, That due regard shall always be had to the number of voters in each ward, making them as near equal in numbers as practicable; and no ward thus made by the council to have less than two hundred voters.

ARTICLE II.

*Distribution of Powers of Government.*Corporate
powers divided

§ 1. The corporate powers of the city of Henderson shall be divided into three distinct separate departments, viz: legislative, executive, and judicial, and no person or officer in one of these departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

*Legislative Department.*Common
Council.

§ 1. The legislative powers of the city of Henderson shall be vested in a board of councilmen selected from the several wards of said city, as hereinafter provided for, which shall be styled the Common Council of the City of Henderson.

Eligibility of
Councilmen.

§ 2. No person shall be eligible as a common councilman, who, at the time of his election, is not a free white male citizen of the United States, has not attained the age of twenty-five years, and who has not resided in the county of Henderson two years next preceding his election, and the last six months thereof in the said city, and who is not a bona fide resident of the said ward for which he may be chosen, or who holds or discharges any office or agency under the city of Henderson, the county of Henderson, or the State of Kentucky, the United States of America, or any department thereof, or under any of the States thereof, or any foreign government whatever; or who, at the time

of his election, is interested, directly or indirectly, in any contract with the city of Henderson, or who holds any office of trust or salary in any corporation which holds any contract with said city, the terms, rates, or prices whereof are subject to modification or enforcement by the said common council; and no collector or keeper of city funds or money shall be eligible until he shall have settled with said city and obtained a quietus.

1867.

§ 3. And if, after election, any member of the common council should remove from the ward for which he was chosen, or become a candidate for, or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or do any other act or thing which would have rendered him ineligible, his seat as a member of the said council shall be thereby vacated, and the vacancy be supplied as hereinafter directed with regard to filling vacancies.

§ 4. Stockholders in corporations may be eligible, but shall not vote on any question directly or indirectly affecting such corporation, or any right or duty under the same.

§ 5. No person shall be ineligible by reason of his being an officer in the militia of Kentucky.

§ 6. Representation shall, as near as may be, be equal and uniform, and regulated by the number of qualified voters; and the common council may increase the number of wards as the interests of the city may, in their opinion, require it, laying them off as nearly equal in qualified voters as may be; no ward, when thus laid off, to have less than two hundred qualified voters.

Representation
to be equalNumber of
wards increased

§ 7. The common council shall consist of two members from each ward in the city, who are to be elected by the qualified voters of each ward, as hereinafter directed; and when so elected, they are to hold their office as follows: At the first general election two members are to be elected from each ward; one shall hold his office for one year, and the other for two years from said general election, and until his successor shall be duly qualified. The two members from each ward so elected shall, within two weeks after their election, by lot, determine which shall hold for one and which for two years; and at each general election, in each and every successive year thereafter, there shall be elected from each ward one councilman, to hold his office for the term of two years, and until his successor is duly qualified.

Common
Council two
members from
each ward.

Term of office.

§ 8. The common council shall keep, or cause to be kept, a correct journal of its proceedings, and, immediately after adjournment of each session, shall cause the proceedings of that session to be published at least once in some newspaper printed and published in the city of Henderson, such newspaper to be selected annually by the common council,

Journal of
proceedings to
be published.

1867.
Ordinances
published.

or otherwise, as may be prescribed by ordinance. And all ordinances shall, before being enforced, be published in the manner above provided for publication of proceedings; and all ordinances passed during the year, and unrepealed at the end of the term of each set of councilmen vacating office, shall then be published as the sheet acts of the General Assembly are published, for the use of the common council, and for such distribution as may be prescribed by ordinance.

§ 9. In one year after the first election under this charter all general ordinances of the city shall be digested and printed in pamphlet form, with proper marginal references and a general index, and then in each succeeding five years all general laws and ordinances of the city shall be thus digested and published.

Meetings of
Council.

§ 10. The common council shall meet on the first Tuesday in each month, and oftener if the interests of the city may require it, and shall meet upon their own adjournments, and determine the rules of their own proceedings. They shall designate by ordinance the time and place of their regular meetings.

Pay and priv-
ileges of Coun-
cilmembers.

§ 11. The members of the common council shall each receive not exceeding three dollars per day for each day he is in attendance at the meetings, whether regular or called, of the board, and shall be exempt from serving on juries of all kinds and from military duty during their term of service.

Quorum.

§ 12. A majority of the members of the council shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Enforce or-
der. &c.

§ 13. The common council may, by ordinance, prescribe the rules of its proceedings, and, by proper penalties, enforce the same, and punish members for disorderly behavior.

Ordinances,
when not valid.

§ 14. No ordinance for street improvements or assessing a tax against the property of any person, nor for the paying out of money of the city, nor of a penal nature, shall have force as a law unless the same be voted for by two thirds of all the councilmen then elected, and unless the yeas and nays thereon be recorded in the journal of proceedings. All other ordinances, laws, or resolutions shall be valid if voted for by a majority of the members present.

Yeas and nays.

§ 15. Upon all questions voted upon by the common council any member shall have the right to call for the yeas and nays, and have the same recorded by the clerk.

Powers of
Council.

§ 16. The common council shall have power within the limits of the city, in addition to the other powers granted by this charter—

1. To levy and collect taxes at the rate of not exceeding one dollar on each one hundred dollars' worth of property, upon all property within the city made taxable by law for State purposes, except upon property hereinafter expressly excepted. 1867.
Taxes.
2. To borrow money on the credit of the city, and pledge the revenues for the payment thereof. Borrow money.
3. To appropriate money and provide for the payment of the debts and expenses of the city. Pay debts.
4. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the same within five miles of the boundaries of the city. Quarantine.
5. To establish hospitals and pest-houses, and make regulations for the government of the same. Hospitals and
Pest-houses.
6. To make regulations to secure the general health of the inhabitants of the city. Health.
7. To prevent, abate, and remove nuisances at the cost and expense of the owners or occupiers, or of the parties upon whose ground they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the city; and to punish, by fine, any person for keeping, causing, erecting, or committing a nuisance. Nuisances.
8. To provide the city with water; to erect hydrants, fire-plugs, and pumps in the streets, within or beyond the limits of the city, for the convenience of the inhabitants of the city and its environs. Water.
9. To open, receive, alter, abolish, widen, extend, grade, pave, gravel, or otherwise improve, clean, and keep in repair, streets, alleys, avenues, lanes, wharves, landings, public grounds, and squares, in the manner hereinafter provided, and to drain the streets and public places, and to condemn land for drainage purposes, in the same manner, and under the proceedings required in condemning lands for opening or widening or extending streets. Streets, alleys,
wharf, & pub-
lic square.
10. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to erect dams, and cover them over when the interest of the public require it. Bridges cul-
verts, dams, &
water-courses.
11. To provide for lighting the streets, market-houses, and public buildings, rooms, and offices, with gas or other material. Gas.
12. To establish, support, and regulate policemen, night watches, patrols, and prescribe their duties and compensation. Policemen.
13. To erect market-houses, establish market-places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables. Markets.

1867. 14. To provide for the erection and repair of all need-
 ful public buildings for the city, and to provide for inclos-
 ing and improving all public grounds belonging to the city.
- Public build- 15. To improve and preserve the navigation of the Ohio
 ings. river within the limits of the city.
- Navigation. 16. To erect, make, and repair wharves and docks, and
 to regulate and fix the rate of wharfage thereat.
- Wharves. 17. To regulate the stationing or anchoring of vessels,
 or boats, or rafts within the city limits, and the depositing
 of freight and lumber on the public wharves.
- Vessels and 18. To license, tax, and regulate auctioneers, grocers,
 freight. merchants, retailers, taverns, coffee-houses, gift-stores, ped-
 dlers, brokers, pawnbrokers, money-changers, tobacco fac-
 tories, and public halls.
- Licenses. 19. To license, tax, and regulate hackney carriages,
 coaches, omnibuses, carts, drays, and wagons.
- Hacks, drays, 20. To license, tax, regulate, and suppress theatrical
 &c. and other exhibitions, shows, and amusements, circuses,
 menageries, and museums.
- Shows. 21. To license, tax, regulate, restrain, and prohibit bil-
 liard-tables, tippling-houses, bowling-saloons, and ten-pin
 alleys.
- Billiards, 22. To suppress gaming, drunkenness, gambling-houses,
 dram shops, &c. and disorderly houses of all kinds.
- Disorderly 23. To provide for the prevention and extinguishment
 houses. of fires, and to regulate and establish fire companies; also
 to regulate and restrain the erection of wooden buildings,
 and to provide for the removal of the same, when built
 contrary to the ordinances of the city; to appoint fire
 wardens and property guards, with full power to arrest
 and keep away from the vicinity of any fire idle or sus-
 picious-looking persons lurking near the same, and to com-
 pel any person or persons present to assist in extinguishing
 fires, or preventing the spreading of fires, and to have
 power to compel all persons present at a fire to assist in the
 preservation of property exposed to the dangers of the fire,
 and to prevent the purloining or stealing goods or property
 at such fire, and such other power and duties as may be
 prescribed by ordinance.
- Fires. 24. To regulate the sweeping or cleaning of chimneys,
 Wooden houses and to fix the fees therefor, and prescribe the manner of
 their collection.
- Fire police. 25. To regulate the storage of gunpowder, tar, pitch,
 rosin, hemp, cotton, and all other combustible materials;
 and to appoint some suitable person or persons, at season-
 able times, to enter and examine such houses as they may
 designate, in order to ascertain whether any of such houses
 are in a dangerous condition with reference to fires, and to
 cause such as are in a dangerous condition to be immedi-
 ately put in secure order and condition.
- Storage of 26. To regulate the storage of gunpowder, tar, pitch,
 combustibles. rosin, hemp, cotton, and all other combustible materials;
 Inspection of and to appoint some suitable person or persons, at season-
 houses. able times, to enter and examine such houses as they may
 designate, in order to ascertain whether any of such houses
 are in a dangerous condition with reference to fires, and to
 cause such as are in a dangerous condition to be immedi-
 ately put in secure order and condition.

26. To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same and fix fees and compensation for his services. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases where the same are not provided for by law.

1867.

Scales, weights and measures.

27. To provide for the measurement and inspection of lumber and other building material.

Lumber.

28. To provide for the inspection, weighing, and measurement of hay, stone-coal, charcoal, fire-wood, beef, pork, bacon, flour, meal, whisky in barrels, hogsheads, or other vessels: *Provided*, That nothing in this act shall be so construed as to authorize the inspection of any of the articles enumerated which are to be shipped beyond the limits of the State, except at the request of the owner thereof or of the agent having charge of the same.

Hay, stove-coal, charcoal, firewood, beef, pork, bacon, flour, meal, and whisky.

29. To provide for and regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry, and such other articles of consumption within the city as may be enumerated by ordinance, and to restrain and prevent the forestalling of provisions brought to the city for sale, and to prevent hucksters from forestalling such provisions as may be brought to the city for sale.

Butter, &c.

Forestalling.

30. To provide for the appointment of all officers, servants, or agents of the city not otherwise provided for, and fix compensation and fees for their services.

Officers.

31. To fix the compensation of all city officers not otherwise provided for, and regulate pay and fees of all jurors, witnesses, and others, for services rendered under this act or any ordinance.

Fees.

32. To erect a work-house, poor-house, and house of correction, and to provide for the regulation and government thereof.

Work-house.

33. To license, tax, and regulate all ferries on the Ohio river, within the limits of the city, and to fix the rates and charges thereon; or they shall have power to lease, under such terms as shall be deemed to the interest of the city, any such ferry, for a term not exceeding five years, and require of the lessee such bonds as may be proper to insure an observance of law and full compliance with the terms of the lease.

Ferries.

34. To levy and collect annually, upon every male inhabitant of the city twenty-one years of age or over, and who shall have resided three months within said city, a head or personal tax of not exceeding two dollars, and to provide for the collection thereof by levy and sale of the personal property of the person against whom such tax is assessed.

Poll-tax.

35. To prevent or restrain any riot, rout, noise, dis

Riots, &c.

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turbance, or disorderly or unlawful assembly in any street, house, or other place in the city, and for the arrest and confinement and trial of the parties engaged or taking part in the same.

Encroachment
on streets, &c.

36. To prevent and remove any and all encroachments into or upon any street, alley, side-walk, lane, avenue, or public square established by this charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the city, and over all property, real or personal, belonging to the city, lying within or beyond the limits of the city.

Appoint
officers.

37. To appoint and remove at pleasure, and to prescribe the duties, compensation, and fees of the following officers, agents, and servants of the city: wharf-master, warden or keeper of work-house and house of correction, keeper of the poor-house, keeper of the pest-house, superintendent and keeper of the hospital, city physician, market-masters, sextons, inspectors, gaugers, weighers, measurers, and attorneys to act as legal advisers of the common council.

Breaking
horses, &c.

38. To provide for the prevention of training or breaking horses, or exhibiting stallions in the public streets and places of the city.

Vicious ani-
mals.

39. To provide for the removal from the limits of the city or killing of mischievous or vicious animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals, for allowing them to go at large.

Railroad.

40. The common council may grant right of way over the public streets and other public grounds of the city to any railroad company for railroad purposes, for such time, and in such manner, and on such conditions, as to them may seem proper, and shall have a supervisory control over the use of the same, and shall regulate speed of cars, signals, &c.

General
powers.

41. To make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Henderson, and the trade and commerce and manufactures thereof, as the common council may deem expedient, not repugnant to the Constitution of the State, and to enforce the observance thereof, by inflicting penalties and fines upon any person for the violation thereof, not exceeding one hundred dollars for any one offense, and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

Cemeteries.

§ 18. The common council shall have power to purchase lands for and locate cemeteries, either within the city limits or elsewhere in Henderson county, and exercise full and complete control over the same, and enforce the proper

regulation and management thereof by adequate fines and penalties; but nothing in this charter is to change the existing laws with regard to the Henderson cemetery as now established.

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§ 19. The common council shall have power, by ordinance, to define what shall constitute vagrancy, and the punishment therefor.

Vagrants.

ARTICLE IV.

Executive Department.

§ 1. The supreme executive power of the city of Henderson shall be vested in a chief magistrate, who shall be styled the mayor of the city of Henderson, who shall be elected by the qualified voters of the city for the term of two years, and until his successor is duly elected and qualified.

Mayor.

§ 2. No person shall be eligible to the office of mayor who is ineligible to the office of councilman.

Eligibility.

§ 3. The mayor shall receive as compensation for his services not more than six hundred dollars, and not less than four hundred dollars, payable quarterly; and, in addition thereto, he shall be entitled for *ex-officio* services to the same fees as are allowed by law to county officers for similar services, to be collected and enforced in the same way their fees are collectable, the amount of salary to be fixed by the common council.

Compensation.

§ 4. The mayor shall be head of the police of the city, and may command them in the performance of executive duties; shall be a conservator of the public peace, and, when deemed necessary by him to enforce the laws of the city, to save life or property, or to quell riots, he may summon into service any of the citizens, either civil or military; and in such cases he must be present and command in person; and the common council shall, by ordinance, prescribe suitable fines and penalties for disobedience of the mayor's orders or summons.

Conservator of the peace.

Summon posse com.

§ 5. He shall see that the laws and ordinances of the city are duly enforced and observed, and are faithfully executed.

Execute laws.

§ 6. The mayor shall preside at all meetings of the common council, decide points of order, and shall have the same power during the session to enforce good order and decorum, and to punish contempts, that presiding judges of county courts have given them by law.

Preside.

Punish contempts.

§ 7. He may require information in writing from all officers of the city upon any subject relating to the duties of their respective offices.

Require information, &c.

§ 8. He shall, from time to time, give to the common council information of the state and condition of the cor-

Message.

1867. poration, and recommend to their consideration such measures as he may deem expedient.
- Other duties. § 9. He shall perform and discharge such other duties as may be prescribed by ordinance, not inconsistent with this charter.
- Called sessions. § 10. He may call special sessions of the common council whenever, in his judgment, it may be deemed necessary, or to the interest of the city.
- Casting vote in case of tie. § 11. He shall give the casting vote whenever the common council may be equally divided upon any question or ordinance, not requiring a larger vote than a majority of the members present.
- Administer oaths. § 12. He shall have power to administer oaths and give certificates thereof, as county officers are by law authorized to do.
- Mayor pro tem. § 13. In case of the death, resignation, removal from office, or inability or refusal to act of the mayor, the members of the board of common council shall elect one of their number as mayor *pro tem.*; who shall exercise the powers and discharge the duties of mayor until the disability be removed, or a new mayor shall be elected.
- Pay. § 14. The mayor *pro tem.* shall receive as compensation for his services at the same rate allowed to the mayor for the time he thus acts, payable out of the city treasury, and a like amount shall be deducted from the salary of the mayor at the next quarterly payment.

ARTICLE V.

Judicial Department

- City Court. § 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled the Henderson city court, which shall be held by a single judge, to be styled the judge of the Henderson city court, who
- City Judge. shall be elected by the qualified voters of the city at the time of the general election for mayor, for the term of four years, and until his successor is duly elected and qualified.
- Eligibility. § 2. No person shall be eligible to the office of judge of the city court unless he be a free white male citizen of the city, at least twenty-five years of age, and have been a licensed practicing lawyer for four years next preceding his election, and who shall have resided in the limits of the city at least one year next preceding his election.
- Jurisdiction. § 3. The Henderson city court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said city, and exclusive jurisdiction of all pleas of the Commonwealth arising within the limits of the city of Henderson, except cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer, the same that the circuit

courts have, and like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace as an examining court.

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§ 4. The city court shall have jurisdiction of all cases of vagrancy arising within the city limits. Vagrancy.

§ 5. The judge of the city court shall be a conservator of the public peace, and may order arrests for all offenses against the laws of the State or ordinances of the city; and for those committed within his presence, may order arrests without warrant, the person offending to be dealt with according to the laws of the State or ordinances of the city. Conservator of public peace, &c.

§ 6. The city court shall be holden at such place within the city as the council shall designate, or they, failing to designate and provide a suitable place, at such place as the judge may select. The judge shall have power to fix the time of holding court, as in his discretion the business before him may seem to require. Court—when and where held.

§ 7. The Henderson city court shall be a court of record, and have a seal, which shall be provided by the common council, and shall remain and be in the custody of the clerk of the city court, to be used and affixed by him as the seals of the circuit courts are; and certified copies of the records of said court, over the signature of the clerk, with the seal attached, shall be evidence in any court of this Commonwealth. Court of record, seal, &c.

§ 8. That all proceedings in, and process from the city court, where the fines are imposed under the laws of Kentucky, shall be in the name of the Commonwealth of Kentucky; and where the fines and penalties are under ordinance of the city, proceedings and process shall be in the name of the city of Henderson. The process shall be made returnable to the city court, and may be directed to the marshal of the city; but the judge of said court may, for special cause, direct the process of said court to any sheriff, constable, or policeman; and the person executing the process of said court shall be entitled to the like fees for the like services, and to the like remedy for the collection thereof, as the sheriff of Henderson county, and shall be subject to the like fines and penalties, for the like offenses and failures, recoverable in the same manner. Process and proceedings.

§ 9. The fines and forfeitures recovered in the city court in the name of, or in favor of the Commonwealth of Kentucky, or in the name of the city of Henderson, are hereby granted to the city of Henderson. Fines, &c., granted to city.

§ 10. All fines and forfeitures recovered in the city court are to be collected by the city marshal or other officer to whom execution or *capias pro fine* is directed, and to be Fines by whom collected.

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paid by him to the city treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the clerk of the city court, who shall pay the same to the city treasurer.

Replevy.

§ 11. The defendant shall have the right at any time to replevy, for three months, any judgment, fine, or forfeiture of the city court, or writ of execution or other final process thereon, by giving bond, with good surety, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

Attachments on return of no property.

§ 12. A return of not found on a *capias pro fine*, and of no property found on a writ of *feri facias* issued on the same judgment in the city court, shall authorize an attachment out of equity in favor of the Commonwealth or of the city of Henderson against the choses in action or effects of the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

Process on judgments for fines.

§ 13. Upon all judgments for fines rendered by the city court, whether in favor of the Commonwealth or of the city of Henderson, it shall be lawful for the prosecuting attorney of the city court to cause a *fi. fa.* to be issued, to be levied on the estate of the defendant, or to take a *capias pro fine* requiring the imprisonment of the defendant in the city work-house until the fine and costs are paid; but the person so imprisoned shall have the right, if he elects to do so, to discharge the same by labor in the city work-house or on the streets or public works of the city, at the rate of one dollar per day; and after agreeing so to do, every such person shall be bound to conform to the rules of the work-house as it regards labor and discipline, unless he shall, after having made such election, replevied or paid the judgment, or such portion thereof as remains unpaid.

Appeals.

§ 14. Appeals and writs of error shall lie from the decision and judgment of the Henderson city court to the court of Appeals in all cases where the fine exceeds twenty dollars, in like manner that appeals and writs of error lie from the decisions and judgments of the circuit courts.

When City Court to be held.

§ 15. The Henderson city court, so far as it is a police court and court of inquiry, shall always be open for the hearing and determining such cases as a single judge, by the Constitution and laws of this State, may hear and determine, without the intervention of a grand or petit jury; and said court may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice. And for the trial of pleas of the Commonwealth, there shall be a quarterly term of the Henderson city court, to be begun on the second Monday in the months of February, May, August, and

November in each year, and held as many days as the business may require.

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§ 16. And said court shall have power and authority to cause a grand jury to be empaneled and sworn, whenever business may require it or render it proper, and petit juries to be summoned whenever necessary. The court may continue a cause to any day during the term without delaying the trial thereof, to the first day of the next term; and whenever any grand jury may return into said court an indictment or presentment, the court shall have power and authority to set any such cause for trial on any day during the term at which such indictment or presentment may be returned into court, and cause the necessary process to issue thereon, returnable to such day as the cause may be set for trial. The law governing circuit courts in regard to grand juries and petit juries shall apply to and govern the city court in similar duties and proceedings.

Grand jury.

ARTICLE VI.

Executive and Ministerial Officers.

§ 1. There shall be elected by the qualified voters of said city, at the times and places provided for the regular election of mayor, one city prosecuting attorney, one marshal, one city clerk, one city assessor, and one city treasurer.

Officers elected.

§ 2. No person shall be eligible to the office of prosecuting attorney, marshal, clerk, assessor, or treasurer, who is not, at the time of his election, a qualified voter and *bona fide* resident of the city for at least three months next preceding his election, nor until he shall have had settlement with the city, and obtained proper receipt or quietus. And any of these officers who shall, after his election, move from said city, or do any act which would have rendered him ineligible to such office, shall thereby vacate his office; and no person shall be eligible to the office of prosecuting attorney, unless he shall have been a licensed practicing attorney for at least two years next preceding his election.

Eligibility.

§ 3. It shall be the duty of the city prosecuting attorney to prosecute before the city court all cases for violation of the laws or ordinances, of a criminal or penal nature, of which said court has jurisdiction, and to perform such other duties as may be prescribed by ordinance.

Prosecuting Attorney.

§ 4. The prosecuting attorney shall receive as compensation for his services the sum of one hundred dollars per year, payable quarterly out of the city treasury, and, in addition thereto, the same fees allowed by law to prosecuting attorneys in the circuit courts of this Commonwealth.

Pay.

Fees.

§ 5. It shall be the duty of the city clerk to keep a fair and correct record, in such books as may be designated by ordinance, of all the official acts of the mayor, and of the proceedings, ordinances, laws, and resolutions of the com-

City Clerk.

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Administer
oaths.

mon council; keep and preserve in his office the seal of the city, records, papers, and draughts of the city not properly belonging to any office; to prepare papers and copies from his office, and the records thereof, for publication, and to act as clerk of the city court, attend its sessions, keep the records and papers thereof, and enter the orders, records, and proceedings of said court, and issue writs, summons, executions, orders of arrest, and all other process of said court, and to perform such other duties as may be prescribed by ordinance. He shall have power to administer any oaths required by this charter, or by ordinance, to swear witnesses, jurors, &c., in the city court.

Bond.

§ 6. The city clerk, before he enters on the duties of his office, shall execute an obligation to the city of Henderson, with good surety, approved of by the common council, conditioned for the faithful performance of his official duties.

Recovery on
bond.

§ 7. Any person aggrieved by the acts or omissions of the city clerk, may, as relator, institute suit on such bond in the Henderson circuit court, or other court having jurisdiction of the amount claimed, and the bond shall not be satisfied or void upon the first or any other recovery, or until every person aggrieved has been recompensed.

Failure to give
bond.

§ 8. Upon failure to execute this obligation within thirty days from election or appointment, the office of city clerk shall, by order of the common council, be declared vacated.

Removal from
office.

§ 9. For any malfeasance or misfeasance in office, or for any omission of duty, the city clerk may be removed by the common council from office, under such provisions and proceedings as may be made by ordinance.

Deliver records
to successor.

§ 10. Upon the resignation, removal from office, or the expiration of the term of office of the clerk, he shall, immediately upon application, deliver to his successor, or such person as the common council may direct, all books, records, and other papers belonging to his office, and all seals, furniture, and property belonging to the city; and, upon failure so to do, he shall be subject to the same pains and penalties prescribed by law for clerks of courts of this Commonwealth.

Deputy clerk.

§ 11. The city clerk may, by consent of the council, appoint one or more deputies, and remove them at pleasure. The clerk and his sureties shall be responsible for the acts or omissions of such deputies.

Pay.

§ 12. The city clerk shall receive for his services not exceeding five hundred dollars per annum, payable out of the city treasury, in addition to fees for his services in the city court, which fees shall be the same as circuit court clerk; and for copies of records he shall receive same fees allowed by law to circuit court clerks, and such other fees and compensation as may be prescribed by ordinance.

§ 13. It shall be the duty of the city marshal to attend all meetings of the common council, and to attend all sessions of the city court. He shall, within the limits of the city, in all matters of a criminal nature arising under the ordinances of the city, or under the laws of this Commonwealth, possess the same power and perform the same duties as sheriffs and constables. He shall execute all process, civil or criminal, issued and to him directed, by the mayor of the city, the common council, the city judge, presiding judge of the Henderson county court, or any justice of the peace. He shall collect and pay over to the parties entitled thereto all executions and other final process to him directed by any of the officers above named, in the same manner, and under the same responsibilities and penalties as sheriffs and constables are by law authorized and required to do. His powers for discharging his official duties shall be co-extensive with Henderson county.

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Marshal's
duties, powers,
&c.

§ 14. He shall be entitled, as compensation, to the same fees allowed by law to sheriffs and constables for similar services, collection of which may be enforced as provided by law for the collection of sheriff's and constable's fee-bills; for other services he shall receive such fees and compensation as may be designated by ordinance.

Fees.

§ 15. He shall perform such other duties, not inconsistent with this charter, and make such returns and reports of his acts, as may be prescribed by ordinance, and as are also hereinafter prescribed.

Other duties.

§ 16. He shall, before entering on the duties of his office, execute bond or covenant to the city of Henderson, with good surety, to be approved by the common council, conditioned that he shall, by himself and deputies, well and truly discharge all the duties of said office, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money that may come to his or their hands as marshal.

Bond.

§ 17. Any person injured by a breach of the marshal's bond, may, in any court having jurisdiction, prosecute suit or motion thereon against the marshal and his sureties, as now provided by law for sheriffs and constables; and the bond shall not be satisfied or void upon the first or any other recovery, until every person aggrieved by the acts or omissions of the marshal or his deputies shall have been recompensed.

Suits on bond.

§ 18. The city marshal may, by and with the approval of the common council, appoint his own deputies, and may revoke the appointment at pleasure, and be responsible on his official bond for their acts. Before any deputy marshal shall proceed to act, he shall take the oath required to be taken by the marshal.

Deputy—how
appointed.

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Deputy responsible, &c.

§ 19. When a deputy marshal shall so act or omit to act, as to render his principal responsible, and the latter shall discharge such responsibility, the deputy shall be liable over to the principal for all damages and costs, legal and extraordinary, which the latter may be put to on account of such act or omission.

Failure to give bond.

§ 20. If the marshal fails to execute covenant with good surety, and take the oaths of office as herein prescribed, within thirty days after his election, the council shall, by order, declare said office vacated.

Removed from office.

§ 21. For any malfeasance or misfeasance in office, or any omission or neglect of duty, the city marshal may be removed from office under such provisions and proceedings as may be prescribed by ordinance, and his office declared vacant, the vacancy to be filled as other vacancies in elective offices.

Treasurer.

Report.

§ 22. It shall be the duty of the city treasurer to receive and safely keep all money belonging to the city, and to pay out the same under appropriations made by the common council; and he shall only pay out money upon warrants drawn by the city clerk, and countersigned by the mayor. He shall keep a fair and accurate account of all receipts and expenditures of the city, showing when, from, or to whom, and for what purpose, and on what accounts such moneys were received or paid out. He shall make out and exhibit to the common council, at the regular meeting in the month of March, in each year, a full statement of the receipts and expenditures of the city, showing from whom money has been received, and to whom paid during the previous twelve months; and of the state and condition for the time being of the treasury and fiscal concerns of the city, which report shall be published, like the journal of proceedings. He shall perform such other duties as may be required of him by ordinance, not inconsistent with the provisions of this charter. He shall receive for his services such compensation as may be provided by ordinance. He shall, before entering on the duties of his office, execute bond or covenant to the city of Henderson, to be approved of by the common council, in such penalty and with such surety as may be prescribed by ordinance, conditioned for the faithful discharge of his official duties. The sureties in said bond shall be good for the amount of public money which will come to his hands during his term of office.

Suit on bond.

§ 23. Any person aggrieved may institute suit on such bond in the Henderson circuit court against the treasurer and his sureties, and the bond shall not be void or satisfied until every person aggrieved has been recompensed.

Failure to give bond.

§ 24. If the treasurer fails to execute this bond for thirty days after his election or appointment, the office shall, by

order of the common council, be declared vacated, and the vacancy to be filled as herein provided for other vacancies.

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§ 25. For malfeasance or misfeasance in office, or any omission or neglect of duty, the treasurer may be removed from office by the common council, under and by such proceedings as may be established by ordinance, and the office declared vacant; the vacancy to be filled as other vacancies in elective offices.

May be removed.

§ 26. The treasurer, upon the expiration of his term of office, or, upon his removal or resignation, shall deliver to his successor, or to such person as the common council may direct, all the public money, books, property, or effects under his control belonging to the city of Henderson.

Deliver up money, &c.

§ 27. The common council may at any time require the treasurer to execute a new bond or give additional security; and, upon failure to execute new bond, or to give additional security, the office may, by order of the common council, be declared vacated.

New bond.

§ 28. It shall be the duty of the assessor to make a full report of each separate article of property subject to taxation, and the owner thereof, in alphabetical form, and the names of each qualified voter, and of all male persons residing in the limits of the city; said list or assessment shall be made as if taken on the 1st day of April in each year. He shall also report all persons who shall fail or refuse to give in a list of their taxable estate after being duly called on for that purpose, or who have given in a false or fraudulent list—these reports to be made to the regular meeting of the common council in the month of July in each year—and perform such other duties as may be required of him by ordinance. He shall receive as compensation the same fees as allowed by law to county assessors for similar services, payable out of the city treasury.

Assessor's duties.

§ 29. The city assessor may, by consent of the common council, appoint as many assistants as he may think necessary for the proper discharge of the duties of the office, and may revoke the appointment at pleasure. The assessor and his sureties on his official bond shall be liable for the acts or omissions of such assistants. Before entering on the duties of his office he shall execute obligation to the city of Henderson, with good surety, to be approved by the common council, conditioned for the faithful performance of his official duties, upon which bond suit may be instituted in the Henderson circuit court against him and his sureties by any person aggrieved, and recovery had from time to time to the extent of the injury sustained.

Pay.

Assistants.

§ 30. If the assessor fails to execute this obligation for ten days after his election or appointment, the common

Assessor's bond.

Failure to give bond.

1867. council shall, by order, declare the office vacated, the vacancy to be filled as in other elective offices.

May be re-
moved from
office. § 31. For any malfeasance or misfeasance in office, or any omission or neglect of duty, the city assessor may be removed from office under such provisions and proceedings as may be prescribed by ordinance, and his office declared vacant, the vacancy to be filled as other vacancies in elective offices.

Officers to take
oath. § 32. All officers of the city of Henderson, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution of this Commonwealth, take in substance the following oath or affirmation: "I do solemnly swear (or affirm), that I will faithfully perform the duties of the office of — of the city of Henderson according to law."

How oath ad-
ministered. § 33. The oath of office may be administered by the clerk of the Henderson county court, or by any justice of the peace for Henderson county, and a certificate thereof shall be noted on the journal and filed with the records of the city.

ARTICLE VII.

Elections—Vacancies—Voters, &c.

Voting places. § 1. The common council may provide one or more voting places in each ward where it may be deemed necessary, and prescribe the limits for each of such voting places within which persons shall be resident entitled to vote at such place; but no election polls shall be held in any coffee-house or other establishment within which spirituous, vinous, or fermented liquors of any kind are kept or sold.

Officers of
election. § 2. The common council shall, before every city election, appoint suitable persons as officers of election in each ward of said city, two persons as judges, one as sheriff, and one as clerk; and, if practicable, the officers for each voting place shall be selected in equal numbers from the two principal parties. Officers of city elections shall perform similar services, and be entitled to like pay as officers of State elections, and be governed in all matters not inconsistent with this charter, and liable to the penalties imposed by the laws of this Commonwealth.

Elections viva
voce. § 3. All elections under this charter, by the qualified voters of the city, shall be *viva voce*: *Provided*, That dumb persons entitled to suffrage may vote by ballot.

Hours of elec-
tion. § 4. All elections by the qualified voters of the city shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

Qualified
voters. § 5. Every free white male citizen over twenty-one years of age, resident in said city at the time of the election, and who has resided in the said city one year, or in the State two years next preceding the election, and who is a *bona fide* resident of the ward in which he offers to vote,

shall be qualified to vote for any city officer elective by the qualified voters of said city under this charter; but such voter shall have been for sixty days next preceding the election a resident of the city, and shall have paid his head tax for the preceding year.

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§ 6. Any laws in force in this Commonwealth, punishing illegal voting at the State elections, shall apply to illegal voting in the city of Henderson for any city officers; subject, however, to all the provisions of this charter touching the qualifications of the voter.

Illegal voting.

§ 7. All vacancies in elective offices shall be filled by election by the qualified voters of the city, or of the ward in which such vacancy may occur, under writ of election to be issued by the mayor, except vacancies occurring within three months next preceding any regular election, which last vacancies shall be filled until the next general election by the common council, by the appointment and qualification of a person eligible to such office according to this charter. The common council may fill by appointment all vacancies until an election can be held as above provided.

Vacancies.

§ 8. In case any ward of the city shall refuse or fail to hold an election for any officer or officers as provided in this charter, the common council shall elect such officer from the persons in said ward eligible according to this charter, and the officers so elected shall perform their duties and hold their offices for such terms, and be entitled to compensation, as though elected by the qualified voters of such ward.

Council may elect officers, &c.

§ 9. When in elections by the qualified voters of the city, or of any ward, two candidates are equal and highest in votes for the same office, the election shall be determined between them by lot in such manner as the council may direct, and in the presence of not less than three other persons.

In case of tie in election.

§ 10. The common council shall judge of the qualifications, elections, and returns of its members, and cases of contested elections for any city officer shall be heard and determined by the common council under such rules as may be prescribed by ordinance.

Contested elections.

§ 11. The city clerk shall, immediately after their election, certify to the Secretary of State the names of the persons elected for mayor of the city, and for judge of the city court; and the Governor of this Commonwealth shall issue commissions to said officers.

Mayor and judge commissioned.

§ 12. The poll books of all elections in the city shall be returned by the several sheriffs of election to the clerk of the city, who shall keep them on file as part of the records of his office, and issue certificates to the officers elected.

Poll books kept by clerk.

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Elections—
when held.

§ 13. The first election under this charter shall be held on the first Monday in May, 1867, at which time there shall be elected by the qualified voters eight councilmen, one assessor, one clerk, one city attorney, and one city treasurer, who shall hold their offices and perform their duties according to the provisions of this charter for one year, and until their successors are duly qualified.

General elec-
tion.

§ 14. The first general election under this charter shall be held on the first Monday in May, 1868, at which time there shall be elected by the qualified voters of the city all the officers directed in this charter to be elected; and who shall hold their offices for the respective terms and in the manner provided in this charter.

Old officers to
hold till suc-
cessors are elected.

§ 15. The several officers now holding offices in the city of Henderson shall continue to hold their offices until the time for which they were elected shall expire, and their successors are duly qualified; but in the discharge of the duties of their offices shall be governed by this charter, from and after the day fixed herein on which the same is to go into effect.

ARTICLE VIII.

*Streets—Alleys—Sidewalks—Cisterns.*Establish
streets, &c.

§ 1. The common council shall have power by ordinance to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons within the city limits, and make and declare the same an established street or alley of the city of Henderson.

How streets
may be opened.

§ 2. The locality of all public streets and alleys in said city shall not be changed from their present actual position, as opened, neither in width or length, unless by consent of the claimant of the ground affected by such alteration or change: *Provided, however,* The common council may, by ordinance passed by two thirds of the members elected, and yeas and nays thereon being recorded in the journal of proceedings, whenever the public necessity shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened, or establish any market place, and to procure the condemnation of any real estate for such purposes as follows: *Provided,* That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money to said claimant. If the amount of such compensation cannot be fixed by agreement, the common council shall cause a petition to be filed in the Henderson county court, stating the street or alley they wish opened, widened, or extended, and the names of the owners, if known, of the lots and lands through which they desire to have said street or alley opened, widened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for

Compensation
to owner of
ground.Summons
against owners
of lots.

1867.

such owner or owners to appear on some day of that, or some subsequent term of said court, to show cause why such street or alley should not be opened, widened, or extended, which summons shall be executed on such owner or owners, if in the county of Henderson, if not, on his or their agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the said court shall order the street or alley to be opened, widened, or extended; and if any one or more of such owners of lots or lands appear and demand it, the court shall award a writ of *ad quod damnum* to be directed to the proper county officer, to be executed and returned as provided by law for writs of that nature for opening public roads; and on the return of the writ duly executed, the court shall order the common council to pay the damages assessed to the party or parties entitled thereto, and shall order the street or alley to be opened, widened, or extended, upon the payment of said damages. In the trial under the writ of *ad quod damnum*, no consequential advantages shall be taken into consideration by the jury as an offset, or otherwise, in assessing the value of the property taken and damages done the claimant of the property.

Ad quod damnum.

§ 3. The common council shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening, widening, or extending such street or alley, at any time after one year from said dismissal.

§ 4. Appeal may be taken to circuit court and court of appeals, as is now provided by law in cases of opening public roads.

Precedence and appeal.

§ 5. The common council shall have full power to keep open all streets and alleys, wharves, and other public places, and free them from all obstructions by the infliction of suitable fines and penalties, as may be prescribed by ordinance.

Keep streets, &c., open.

§ 6. The common council shall have full power, by ordinance, to cause and procure any or all the streets and alleys in said city, now established, or hereafter to be established, or any part or portion thereof, to be graded, paved, macadamized, graveled, curbed, and guttered, in such manner as they may direct, at the cost and expense of the lot-owners fronting on each side of said street or alley where such work is done; the cost and expense, when the said work is completed, shall be apportioned between the owners of lots in each square fronting each street where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to the said city on all lots and parts of lots fronting on such work to secure the payment of the cost of the

Grade and pave streets.

1867.

work: *Provided*, That in no case shall the total assessment or cost of improvement against any person or ground exceed in amount the one half actual cash value of the ground owned by such person and subject to said assessment. The balance of the cost of the work shall be paid out of the city treasury.

Sidewalks
paved, &c.

§ 7. The common council shall have full power, by ordinance, to cause and procure any or all the sidewalks of said city now established, or hereafter to be established, to be graded and paved, or improved in such manner as they may direct, at the cost and expense of the lot-owners fronting such street or alley where such work is done. The cost and expense when the work is completed shall be apportioned between the owners of the lots fronting on the street where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to said city on all lots and parts of lots fronting such work, to secure the payment of the cost of the work.

Expenses for
streets and
sidewalks, how
collected.

§ 8. The cost and expenses of the work, either for grading, paving, macadamizing, graveling, curbing, or guttering, and for grading or paving sidewalks, mentioned in the two preceding sections, together with the cost of collecting the same, may be collected as other taxes by the city collector, who shall have power to sell and convey the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owners of lots or parts of lots sold for such work, who have not consented in writing for said work to be done, shall have five years from the day of sale to redeem the property, on paying the purchase money, with ten per centum per annum interest thereon, with all the taxes and levies that may have subsequently accrued, and ten per centum per annum thereon. And those who have consented in writing may redeem their property at any time within one year from the day of sale, by paying the purchase money and interest at ten per cent. and subsequent taxes and levies, and ten per centum thereon: *And provide also*, That infants shall have the privilege of redemption on like terms, at any time within one year after the disability is removed.

Intersections,
how paved, &c.

§ 9. All intersections of streets shall be graded, paved, guttered, and stepping-stones placed or cross-walks made, at the expense of the city.

Repairs, &c.,
at expense of
the city.

§ 10. Where the paving, guttering, and curbing has been done with stone or gravel, or both, and the sidewalks have been paved with brick or stone, as herein provided, and under the direction and control of the common council, and has been accepted by the council, all repaving, re-

curbing, and reguttering of the said street or sidewalk, or any repairs thereon, shall be at the expense of the city.

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§ 11. Where any person has had the street in front of his lot graded, guttered, and paved to the center, and the sidewalk curbed and paved in accordance with the general plan of the work of the city, he shall be free from any assessment thereafter for the work done on the balance of the square on which he has had the work thus done; and any person hereafter desiring to do such work, shall notify the council of the fact, and shall have the grades given by the city engineer, and do the work under and according to his direction, or that of the council, or he shall not be exempt as aforesaid.

Where persons improve their own property.

§ 12. The common council shall, for any of the work done on the streets as directed in the foregoing sections, advance the money, and may for that purpose borrow the same, and issue bonds of the city, with coupons therefor, not to run longer than ten years, and bearing interest not greater than ten per cent. payable semi-annually, and shall cause an assessment annually against the owner of said lot sufficient to meet the interest and enough of the principal, so that when the bond matures, the whole amount will have been paid into the city treasury; and this fund shall not be applied to any other purpose, but shall be held as a sinking fund to discharge said bonds; this provision and assessment aforesaid shall only be made upon application of the lot-owner, and shall be collected as other taxes: *Provided, however,* That the lien shall always continue upon said lot until the entire cost of the work and all expenses and interest aforesaid are fully paid off and discharged.

City may advance money for improvements.

§ 13. No person or persons shall lay out or extend any street or alley within the limits of the city without the consent of a majority of the common council, and when any person or persons have, with such consent, laid out, or shall hereafter lay out or extend any street or alley within the limits of said city, and shall have sold or intend to sell lots binding thereon, the council shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have by this charter over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be laid out or accepted within the city limits, which is less than sixty feet wide.

No street to be made without consent of Council.

Or less than sixty feet wide.

§ 14. The common council shall have power to require the public streets, on any or all sides of the public lot of ground belonging to Henderson county, and known as the "court-house property," to be graded, paved, graveled, guttered, and curbed, and proper sidewalks made, in accordance with the general work of the city of a similar char-

Streets around the court-house.

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acter—the whole to be done to the center of each street, at the expense of the county of Henderson, and under the direction of the common council; and the county court shall levy a tax to pay for said work at the first court of claims after the completion of the work; and upon the failure or refusal of the county court to levy such tax, the mayor of the city of Henderson shall apply to the judge of the Henderson circuit court, who shall issue a mandamus, compelling said county court to levy and collect an amount sufficient to pay for said work and costs incurred, and pay the same to the city.

Cisterns and
wells.

§ 15. The common council shall have power, by ordinance, to procure the digging and walling of wells, or to procure the construction of cisterns for supplying water for the extinguishment of fires, on any of the established streets within the city limits, at the cost of the owners of the property within such distance of any such well or cistern as may be specified in the ordinance, and cause the cost thereof to be apportioned amongst the owners of such property, according to the number of feet each may own; and a lien is hereby created against such property for the amount so apportioned. The amounts thus apportioned, and the costs of collecting the same, may be collected as other taxes by the city collector, who shall have power to sell and convey the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owner shall have like power of redemption as hereinafter given in case of sales of real estate for taxes.

ARTICLE IX.

Assessment and Collection of Taxes.

Assessment
for tax.

§ 1. The common council shall have power annually to cause to be assessed, as hereinbefore directed in regard to the duties of the city assessor, at its fair cash value, such real and personal estate in the city of Henderson as the said council may designate; and in like manner shall cause to be listed all male inhabitants of said city of the age of twenty-one years and upwards; and shall have power annually to levy and collect an ad valorem tax of not exceeding one per cent. on the property assessed as aforesaid; and also to levy and collect a tax of not exceeding two dollars each on the inhabitants to be listed as aforesaid; but such taxation shall be uniform and equal upon every description of property assessed, and upon all inhabitants listed as aforesaid: *Provided*, That no land embraced within the city limits, and outside of the ten-acre lots, as originally laid off, shall be assessed and taxed by the city council, unless the same is divided or laid out into lots of five acres or less; nor shall any person or property situated outside of the limits of the city, as the same existed in the

Land exempt.

year 1866, and within the boundary designated in this charter, be assessed or taxed for any indebtedness of the city created before they were embraced within the limits of the city; nor shall the court-house and public lot belonging to the county be taxed.

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§ 2. The common council shall, at the regular meeting in the month of July in each year, appoint three discreet citizens of the city as a board of supervisors of tax, who, after being duly sworn faithfully to discharge the duties assigned them according to law, shall meet at such time and place as may be designated by ordinance, and examine with care the assessor's report of taxable property returned for that year, and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of opinion that the estate has been incorrectly valued, to fix the same at its proper value. But they shall not increase the valuation made by the assessor, without summoning the owner, if a resident of the city, before them, to show cause why the change should not be made.

Supervisors
of tax.

§ 3. It shall be the duty of the assessor and his assistants to attend the sessions of the board of supervisors, and give evidence and information concerning the business before them upon oath, when required. And the board shall have power to compel the attendance and examination of witnesses before them, to enable them to discharge their duties.

Assessor to
attend.

§ 4. The board of supervisors of tax shall keep a record of their proceedings, and correct the tax-book thereby; they shall make full report of their acts to the common council; they shall also report the names of persons liable to taxation, who have been omitted by the assessor in his tax-book.

To report acts.

§ 5. The common council may, by ordinance, prescribe any further duties for said board of supervisors of tax, and fix the amount of compensation for their services.

Pay of super-
visors.

§ 6. The common council shall have power, at any time within three months after the report of the board of supervisors, to hear complaints, and to change, or reduce, or correct the tax-list of any person; and in case of a reduction, if the person has paid his tax, to order the proper proportion thereof to be refunded.

Common
Council may
correct tax list.

§ 7. For all taxes levied as hereinbefore authorized, the city of Henderson shall have a lien, relating back to the day of assessment, upon all real and personal estate therein belonging to the persons or corporations owing such taxes: *Provided*, That purchasers of property, from persons owing taxes, shall be liable only for the taxes upon the property purchased.

Lien for taxes.

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Tax list to be
given to mar-

§ 8. The city clerk shall, within thirty days from the time the tax-book shall have been approved by the board of supervisors of tax, make out therefrom an alphabetical list of all the persons liable for tax, with the number of levies, and the aggregate value of each person's taxable property, and the amount of tax due thereon, and having certified the same over his official signature to be correct, shall deliver the same to the city marshal, and take his receipt therefor, and said taxes shall then be due and collectable.

Marshal col-
lect tax.
Give bond.

§ 9. The city marshal shall, by virtue of his office, be collector of the taxes. He shall, at the May or June meeting of the common council in each year, execute bond to the city with good surety, to be approved by the council, conditioned that he shall, by himself or deputies, during the next twelve months, collect, account for, and pay into the city treasury, and to other persons entitled thereto according to law and the ordinances of the city, all taxes and public dues, also all fines, amercements, and penalties, directed or authorized by law to be collected or received by him.

Sureties.

§ 10. The sureties in said bond shall be jointly worth, after the payment of all their debts and liabilities, a sum equal to the aggregate amount of revenue to be collected for the year.

Lien of city.

§ 11. The city shall also have a lien from the date of said bond upon all the property, real or personal, subject to execution, belonging to the city marshal, or afterwards acquired by him, which shall not be discharged until the marshal obtains a quietus for all the revenue and public dues he is bound for. The obligors in said bond, their devisees, heirs, executors, or administrators, may be made liable by suit in the Henderson circuit court, jointly or severally, for a breach of the same, until the whole amount of the marshal's liability shall be discharged, and said lien may be enforced by suit in equity, &c.

Suit on bond.

Marshal to
pay taxes.

§ 12. The city marshal shall account for and pay into the city treasury all taxes and other public moneys for which he is bound, at such times, and under such regulations, as may be prescribed by ordinance of the common council.

Collection of
taxes.Distress and
sale.

§ 13. The city marshal shall, from and after the day he receives the tax-book in each year, proceed to collect the taxes due the city, and upon failure by the persons bound therefor to pay the same, may distrain the personal property owned by or in the rightful possession of the persons from whom the tax is due, notwithstanding the existence of any lien upon the same, and may proceed to sell the title of such person in so much thereof as will pay the tax due, and all costs and expenses of sale. The sale must be for

cash, and be made at the door of the court-house, on some county or circuit court day; the time, place, and terms of sale shall be first advertised by two publications in some weekly paper, published in the city of Henderson, and in such other manner as the common council may by ordinance direct. If the marshal make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

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§ 14. On all taxes not paid to the marshal by the 1st of December in each year, there shall be added as a penalty ten per cent. on the amount, to be collected and accounted for by the city marshal as other taxes.

Penalty ten per cent.

§ 15. If there be no personal estate which the marshal can distrain for tax due on real estate, or if the personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the thirtieth December of the year in which such tax is due, the city marshal shall, on the first day of some county or circuit court, at the door of the court-house of Henderson county, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the tax thereon, together with the ten per cent. penalty above specified, and the costs and expenses of sale, to the highest bidder for cash. The time, place, and terms of sale, together with a statement of the names of the owners or occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper, published in the city of Henderson.

Land may be sold for taxes.

§ 16. The marshal shall, so soon as practicable after making sale of any property for taxes, make a full report of his proceedings to the common council, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and he shall also hand in with the report a copy of the newspaper containing the advertisement of the sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed, which certificate shall be sworn to by said printer or publisher before some justice of the peace for the county of Henderson; and the said marshal shall also make oath, before some justice of the peace for Henderson county, that he has complied with all the requirements of this charter and the ordinances of the city in relation to the sale of property for taxes, which affidavits shall form part of the marshal's report.

Land sold for taxes.

§ 17. The common council may designate an officer of the city to attend all sales of property sold for taxes due

City may buy property for taxes.

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Lands sold for
taxes may be
redeemed.

said city, who shall, if no other person will bid an amount sufficient to pay the taxes, and all fees, costs, and penalties accrued, bid in the property for the city.

§ 18. All lands and town lots sold by the marshal for taxes may be redeemed by the owner or his representatives, at any time within two years from the day of sale, by paying to the purchaser or his representatives the amount of the purchase money and interest thereon, at the rate of twenty-five per cent. per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the city clerk, to be filed with the marshal's report of the sale. If the purchaser, or his agents or representatives, do not reside in the county of Henderson, or cannot be found therein, the owner of the property, or his representatives, may make affidavit of the fact, and pay the amount of purchase money, with the interest aforesaid, to the city marshal, and take his receipt therefor; which affidavit and receipt shall be lodged with the city clerk, to be filed with the marshal's report of the sale: *Provided*, Infants shall have one year after arriving of age to redeem their lands, upon same terms and in the same manner herein provided for adults.

§ 19. The marshal who sells land or town lots for taxes, or his deputy, or the successor of the former, must convey the title sold to the purchaser or his assignee, or his heirs or devisees, if the same is not redeemed as herein provided; and the marshal or deputy making the sale may make this deed after his term of office has expired. The deed shall be acknowledged before the Henderson county court clerk, and be recorded in his office, and shall pass to the purchaser a perfect title.

Delinquent list
returned.

§ 20. If any person bound for tax shall be insolvent, or shall have removed out of the county of Henderson with his estate after he was assessed for tax, and before a sufficient time to collect it had elapsed, the marshal shall, at the regular meeting of the common council, in the month of January, return a list of such persons, and the amount of tax assessed against them, and whether they have removed or insolvent, and make oath to the same, which list the council shall examine, and may strike therefrom those whose tax could have been collected by the marshal by reasonable diligence; and for the balance of tax on such list the marshal shall be entitled to credit in his settlement with the city.

ARTICLE X.

Miscellaneous Provisions.

§ 1. The inhabitants of the city of Henderson shall not be deemed tithables for county purposes, or required to pay

county levy, as required in chapter twenty-six, of the Revised Statutes of Kentucky.

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§ 2. The common council shall have the power to levy and collect on stores, merchants, grocers, and tobacco factories, in proportion to their value, at the rate of one per cent., as directed herein in regard to general taxation; or they may, in lieu of an ad valorem tax, classify the stores, factories, groceries, &c., and issue license to them, and charge tax therefor.

Tax on stores.

§ 3. The common council shall, at their regular meeting in the month of January, 1868, fix the salary of the judge of the Henderson city court, to be elected at the general election in May, 1868, which shall not be diminished during the term of office; but the salary may be increased or diminished at the regular meeting in each January preceding the election of judge.

Salary of Judge.

§ 4. All ordinances of the city of Henderson now in force, not in conflict with this charter, shall continue in force until repealed by the common council; and all laws vesting rights in, or imposing duties upon the city of Henderson, not herein superseded or repealed, shall remain in force until specially repealed by the General Assembly of the Commonwealth of Kentucky.

Ordinances and laws continued in force.

§ 5. The recognized records of the trustees of the town of Henderson and of the city of Henderson, under the mayor and council, and under the common council herein created, and all bonds and contracts executed to the said town or city, shall remain in full force, and, remaining in the proper offices of said city, are hereby declared to be public records; and copies thereof, certified by the proper officer or keeper thereof, shall be evidence in all courts to the same extent that the originals would be on due proof; and the keeper of such records may be entitled to fees for copies of the same, to be prescribed by ordinance.

Records to be evidence.

§ 6. This charter shall go into effect and be in full force as a law on and after the first day of March, 1867, and thereafter be the charter of the city of Henderson; but the several officers now in office, under the government of said city, shall continue to hold and discharge the duties of their respective offices until the election and qualifications of officers as provided in this charter.

Charter to take effect.

Approved February 11, 1867.

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CHAPTER 1331.

AN ACT to authorize the Christian County Court to issue Bonds for the purpose of building a Court-house, and to establish a Sinking Fund to liquidate the said Bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to enable the Christian county court to erect a court-house, the said county court is hereby authorized and directed to issue the bonds of said county, not exceeding fifty thousand dollars in amount, at not longer date than fifteen years, to bear an interest not exceeding ten per cent. per annum, which bonds may be in such amounts, and principal and interest payable at such place or places, and at such time or times, as the county court may direct.

§ 2. To meet the interest on said bonds, to pay all the expenses incidental to the issual thereof, and the payment of principal and interest and all expenses incident to the conducting a sinking fund, and to provide a sinking fund fully sufficient to pay and liquidate the principal when due, it shall be the duty of the county court annually to levy an ad valorem tax on the property subject to pay State revenue, which, when added to the poll-tax, shall be sufficient to defray the necessary county expenses, and the expenses before named, and put with the principal of the sinking fund, not exceeding five thousand dollars and at least three thousand dollars, until a sufficient fund is provided to liquidate said bonds when due.

§ 3. That E. M. Buckner, J. C. Whitlock, and L. T. Brasher, shall be, and are hereby, constituted sinking fund commissioners; and they and their successors are constituted a body-politic and corporate, by the name of the Christian County Sinking Fund Commissioners; and as such, and by that name, may contract and be contracted with, sue and be sued; but before the funds of the county raised for the sinking fund purposes shall be put into their hands, they shall execute bond to the Commonwealth of Kentucky, with good sureties, to be approved by such county court, in double the amount of funds which may go into their hands, or be under their control for the ensuing year; and it shall be the duty of said court to renew said bond annually.

§ 4. It shall be the duty of said sinking fund commissioners to loan out the money raised by the county for sinking fund purposes, and to take bond and good surety therefor; and there shall be a prior lien for any indebtedness due said sinking fund commissioners, from the date of the indebtedness, on the property of those so indebted; and for any malfeasance, misfeasance, or non-feasance of duty by said commissioners, the said county court may recover, by motion or suit in the Christian circuit court, on said bond.

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§ 5. The rate of interest at which said fund shall be loaned shall not exceed ten per cent. per annum, and said interest shall be compounded if not paid promptly; and if paid promptly, when due, by the borrowers, it shall be loaned out by the said commissioners at the same rates, the object being to loan out the principal at ten per cent., and to make the annual interest principal, so as it shall be loaned out again at the same rates. Should the interest, from any cause, on any of the loans, be delayed, the interest shall be compounded, annually, at not exceeding the rates herein specified.

§ 6. The county court shall have the right to fill vacancies which may occur in said board of sinking fund commissioners, for any cause; but before such newly-appointed commissioner or commissioners shall enter upon the discharge of his duties, he shall execute a like bond, to be approved by said county court; and said court may, from time to time, remove any sinking fund commissioner for any violation or neglect of duty.

§ 7. Before entering on the discharge of his duties each sinking fund commissioner shall take an oath well and faithfully to discharge his duties according to law and according to the best of his abilities.

§ 8. It shall be the duty of the county court annually to order the sheriff or county collector to pay over to said sinking fund commissioners the amount directed to be added to the principal of the sinking fund, and, should he fail to do so, said commissioners may motion the sheriff or collector and his sureties before the county court, which court shall render judgment on the bond of such sheriff or collector, which judgment shall not be repleviable; and any execution which may issue thereon shall be indorsed no surety of any kind to be taken, and the money shall be demandable thereon.

§ 9. The county court shall authorize said sinking fund commissioners to sell said county bonds, but they shall not, in any event, be sold for less than their par value; and said county court may, from time to time, make orders for reasonable compensation to said sinking fund commissioners for their services.

§ 10. It shall be the duty of the sheriff, if the county court shall so order, to collect the poll and ad valorem taxes levied for the purposes of paying the annual interest, and adding to the sinking fund; and for any breach of duty a motion may be maintained against him and his sureties on his bond.

§ 11. Said sinking fund commissioners shall not loan out said sinking fund the last year before said county bonds are due, but shall collect said loans, so as to have the funds on hand to meet the bonds of the county at

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maturity; and they shall be authorized, any time during the last year said county bonds have to run, to exchange at par any indebtedness due said sinking fund for any of said county bonds, and shall likewise have the right to liquidate any such bonds with any cash on hand, under such conditions as may be prescribed by said county court.

§ 12. Said county bonds shall be ordered to be issued by a county court, consisting of a majority of all the justices of the peace of said county in commission, and shall be signed by the presiding judge of the county court, and attested by the county court clerk; and if semi-annual coupons be desired by said court for the interest, they shall be signed by the county court clerk.

§ 13. Should the sheriff or county collector have to be motioned or sued, for any default, by either the county court or sinking fund commissioners, the court rendering judgment shall also add to the principal sum interest at the rate of ten per cent. per annum, from the time the principal should have been paid or the default occurred, and direct that said judgment shall bear interest at the same rate, from its date until paid.

§ 14. That the county court may, at its discretion, place in said bonds a stipulation, that the same may be paid off at the pleasure of said court, and instead of ordering said money (raised to constitute the sinking fund) to be loaned out, apply the same to the payment of any of said bonds.

§ 15. Said court may have power, at its discretion, to reduce the number of commissioners of sinking fund to one or two, as they may judge expedient.

§ 16. This act to take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1332.

AN ACT to amend the charter of the Headquarters and Steel's Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Headquarters and Steel's Run turnpike road company be, and the same is hereby, so amended that the board of directors shall have the power to build their road at a grade of four degrees on any part thereof they may think proper.

§ 2. That this act take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1333.

1867.

AN ACT for the benefit of Daniel W. Murray, late Sheriff of Clay County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Daniel W. Murray, late sheriff of Clay county, be, and he is hereby, allowed the further time till the 1st of June, 1867, to collect and pay off all the uncollected tax of the year 1866: *Provided*, That the sureties of the said Daniel W. Murray, sheriff aforesaid, shall personally appear before the county court of Clay and give their assent to said extension.

§ 2. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1334.

AN ACT for the benefit of James P. McIntire, late Sheriff of Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until June 1st, 1867, be, and is hereby, allowed to James P. McIntire, late sheriff of Muhlenburg county, to collect and pay into the Treasury the balance due from him on the revenue of said county for the year 1866: *Provided*, The sureties of said McIntire shall enter on record in the county court their assent to such extension.

§ 2. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1335.

AN ACT to incorporate the Breckinridge Bank, at Cloverport, in Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David R. Murray, R. R. Pierce, W. H. Webb, A. B. Skillman, Wm. H. Bowmer, S. H. Dean, and Benj. L. Duncan, of the town of Cloverport, and county of Breckinridge, and their successors and associates, be, and are hereby declared to be, for the term of twenty years next ensuing after the passage of this act, a corporation, under the name of the "Breckinridge Bank," with the power to sue and be sued, contract and be contracted with, deal in bills of exchange, promissory notes, bonds, government vouchers, gold and silver and exchange, and all other evidences of debt; to loan and borrow money, and gener-

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ally to do and perform all business usually done by banking associations and corporations.

§ 2. The capital stock of said company shall consist of twenty-five thousand dollars, which may be increased by order of the directors of said company to any sum not exceeding one hundred thousand dollars (\$100,000), and shall be divided into shares of one hundred dollars each.

§ 3. The officers of said bank shall consist of a president, cashier, and board of directors; the number of directors, and the manner and time of electing them, as also the president and cashier, shall be fixed by by-laws to be enacted by the corporators above named, but may be changed from time to time by the directors subsequently elected; and the corporators, or the board of directors succeeding them, shall have power to pass all needful rules and regulations for the government of said bank.

§ 4. The manner and time and terms of subscribing stock and the mode and time of paying the same shall be provided for by the by-laws enacted by said corporators or their successors, the duly elected directors of said corporation.

§ 5. Said company may receive collaterals to secure any debt due them or loans made by them; and such collaterals may be subjected by proper judicial proceedings to the satisfaction of such debts.

§ 6. That the president shall, on or before the first day of July of each and every year, pay into the Treasury of the State a tax of fifty cents upon each one hundred dollars subscribed and paid up in full, and the same shall be in lieu of all other taxation.

§ 7. This act is declared to be in force from and after its passage; and the corporators above named shall have all the power and authority of directors until their successors are elected.

Approved February 13, 1867.

CHAPTER 1336.

AN ACT authorizing the Trustees of Mt. Olivet Meeting-house, in Nicholas County, to sell said Meeting-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of Mount Olivet Union meeting and school-house, in Nicholas county, be, and they are hereby, authorized and empowered to sell and convey by deed, a certain lot of ground and the house thereon, situated in said county, about one fourth of a mile east of the village of Mount Olivet, and known by the name of Mount Olivet

Union Meeting-house; said lot containing about one half acre of ground.

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§ 2. It shall be the duty of said trustees to pay over the proceeds of said sale to the trustees of common schools in Mount Olivet school district in said county, who shall use the same only for common school purposes in said district, and account for same to common school commissioner of said county the disbursement of same.

§ 3. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1337.

AN ACT for the benefit of Thos. J. Woolf, of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas J. Woolf be, and he is hereby, authorized to build and erect a bowling alley in Union county, at a distance not greater than three miles from the coal mines in said county, to be kept and used by the said Woolf for the amusement of persons who may desire to engage in said amusement, for which he may charge a reasonable sum to persons playing on said alley for the use thereof: *Provided*, That nothing in this act shall be construed to authorize the said Woolf to vend ardent spirits or other spirituous liquors at said bowling alley, or on his premises.

§ 2. Before the said Woolf shall have the right to set up and keep said bowling alley, and receive money for the use of the same, he shall pay into the State Treasury the sum of twenty-five dollars, and receive the Auditor's receipt for the same; and the further sum of five dollars into the county treasury of Union county, and receive the receipt of the county clerk for the same, and those receipts may be pleaded in bar to any indictment that may be found against the said Woolf for setting up and keeping a bowling alley in the said county of Union at the place specified. The said receipts shall be a license to the said Woolf to keep and set up said bowling saloon, free from any other tax or expense that now is required to be levied thereon by any State law or town ordinance, except the ordinary State and county taxes for supporting the Government.

§ 3. No gaming or betting is to be allowed on the result of the playing on said alley, under a penalty of forfeiting the rights herein granted; and the receipts of the Auditor and county court clerk of Union county shall be renewed, and the said amounts of money be paid to each of them at the end of every twelve months from the date of the first receipt.

§ 4. This act to be in force from its passage.

Approved February 13, 1867.

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CHAPTER 1338.

AN ACT to remove the Toll-gate out of the Town of Rough and Ready, in the County of Anderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the toll-gate in the town of Rough and Ready, in the county of Anderson, be, and [the] same is hereby, removed out of said town, and the said gate shall not hereafter be located less than one mile of said town. The law authorizing the present location of the said toll-gate is hereby repealed.

§ 2. This act shall take effect from and after the first of March, 1867.

Approved February 13, 1867.

CHAPTER 1339.

AN ACT for the benefit of the Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Kentucky River turnpike road company be, and the same is hereby, so amended as that the width of said road may be reduced from forty to thirty feet.

§ 2. That the county court of Clark county is hereby authorized to take stock in said company to an amount not exceeding five thousand dollars, and may levy an ad valorem tax on the property in said county subject to taxation for State revenue to pay said subscription: *Provided, however,* That no such subscription shall be made unless a majority of all the justices of said court shall concur therein.

§ 3. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1340.

AN ACT for the benefit of H. B. Innis, late Sheriff of Franklin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer for eighty-five dollars and seventy cents, in favor of H. B. Innis, late sheriff of Franklin county, that being the actual cost and expense incurred by him in executing a *capias pro fine* in favor of the Commonwealth for ten thousand dollars, by arresting and transporting the defendant from Frankfort, and delivering

him to the jailer of Muhlenburg county, in pursuance of a judgment of the circuit court of said county.

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2. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1341.

AN ACT for the benefit of O. O. Richardson, of Meade County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and the same is hereby, authorized to draw his warrant upon the Treasurer of this Commonwealth in favor of O. C. Richardson, for the sum of sixty-four dollars, for conveying a lunatic to the asylum, to be paid out of any money not otherwise appropriated.

§ 2. This act takes effect from its passage.

Approved February 13, 1867.

CHAPTER 1342.

AN ACT for the benefit of Francis Catron, of Knox County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to issue his warrant upon the Treasurer in favor of Francis Catron, for the sum of fifty-five dollars, for services rendered by said Catron in assisting the sheriff of Knox county, under an order of the Knox circuit court, to convey Solomon Golden, a lunatic, from the jail of Knox county to the Western Lunatic Asylum, at Hopkinsville, Kentucky.

§ 2. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1343.

AN ACT for the benefit of the Mt. Sterling and Levee Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act to authorize proceedings to be instituted for the forfeiture of the charters of railroad, turnpike, and bridge companies in certain cases," approved January 30th, 1866, shall not apply to or affect the Mt. Sterling and Levee turnpike

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road company; and any suit or proceedings in the Franklin circuit court, under or by virtue of the provisions of said act, is directed to be dismissed, so far as any such suit or action relates to the Mt. Sterling and Levee turnpike road company.

§ 2. That the Mt. Sterling and Levee turnpike road company be, and they are hereby, authorized and empowered to erect a toll-house and toll-gate on the lot of ground purchased by the said company of Mrs. Ann Laughlin on said road, and that all acts and parts of acts coming in conflict with this act is hereby repealed.

§ 3. That this act take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1344.

AN ACT to incorporate the Deposit Bank of Eminence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That James H. Drane, James Crutcher, Z. F. Smith, and James L. Allen, are hereby appointed commissioners to obtain subscription to the stock of the corporation hereinafter created, who, or a majority of whom, may meet at some convenient time and place, in the town of Eminence, at which time they may open books and receive subscriptions of stock to said institution, from day to day, until thirty thousand dollars shall have been subscribed, when the books may be closed and delivered to the subscribers, who shall thereupon constitute a body-politic and corporate, with the corporate name of the "Deposit Bank of Eminence." The said subscribers and their successors shall so continue for the term of thirty years, and may contract and be contracted with, sue and be sued, implead and be impleaded, and exercise all the other powers usually incident to such corporations.

Capital stock.

§ 2. The capital stock of said institution shall be not less than thirty thousand, nor more than one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and transferable only on the books of the company, in such manner, and subject to such regulations as the board of directors may prescribe.

Directors to be
elected.

§ 3. Upon receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect four persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected. The annual meetings of the stockholders shall be held thereafter on the first Monday in January, in each

Annual meet-
ings.

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year, but meetings may be held oftener, if the directors, or a majority of them, require it; and, in all meetings of stockholders, each person shall be entitled to one vote for every share of stock held by him. The officers shall hold their offices for one year, and until their successors shall be elected and qualified, but may be removed by a majority of the stockholders at any regular or called meeting. The directors may choose one of their number, or out of the other stockholders, as their president, and may appoint such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the times and manner of paying in the stock, and shall have the general control of the affairs of the bank. In case a vacancy occur in the board of directors by death or otherwise, during the intervals between the regular meetings, the remaining members may elect a stockholder to fill such vacancy until the next regular meeting of the board.

Term of office.

President to be elected.

§ 4. That if any of the officers of said corporation shall, without the authority of the president and directors, appropriate any of the funds thereof to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the book or books of the institution, with the intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this State for a period of not less than two nor more than twenty years.

Penalty for defrauding company.

§ 5. The business of said bank shall be to receive money and bank notes on deposit; and it may allow the depositors such interest thereon as may be agreed upon; to deal in gold and silver coin, bullion, bills of exchange, and promissory notes; to buy and sell the stock of other companies, and the bonds of this State and of the United States; but it shall not issue notes or bills or any other instruments intended for circulation as money.

Business of bank.

§ 6. All promissory notes negotiable and payable at some incorporated bank of issue in this State, purchased or discounted by said bank, shall be put on the footing of foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers thereon.

Promissory notes placed on footing of bills of exchange.

§ 7. The directors may declare annual or semi-annual dividends of the profits arising from the business of said bank, and on the first day of January and of July in each year, shall make an exhibit of its financial condition, which shall be open to the inspection and examination of the stockholders; and having been audited and attested by the president and cashier, shall be recorded in a book kept for that purpose.

May declare dividends.

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May be sued for
failure to pay
deposits.

§ 8. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same, according to the terms of deposit, and without lawful excuse, said bank shall pay to the depositor the amount of his deposit, and ten per cent. damages, to be recovered by suit in the Henry circuit court. Said bank shall pay its deposits in gold and silver or in currency of like kind of that deposited.

May hold and
convey real
estate.

§ 9. The said bank may purchase, hold, sell, and convey any real or personal estate which may be necessary to carry out the object of its creation; and it may receive conveyances of real estate or such other property as may be necessary or proper to secure any debt due to it, or which may be sold for the payment of such debt.

Charter may
be forfeited.

§ 10. This charter shall be forfeited by the violation of any of the provisions thereof, by any of the officers of the institution; and a failure or refusal of the company to pay any tax imposed upon its capital stock, by the general laws of this Commonwealth, shall work a forfeiture of the charter.

Liability of
stockholders.

§ 11. If, at any time, the charter of said bank shall be forfeited as herein provided, or a depositor shall be refused payment of the whole or any part of his deposit in said bank, according to the provisions of section eight herein, in order to secure the payment of the debts of the bank, each and every stockholder shall be required to pay an amount equal to the stock he owned in said bank at the date of such forfeiture or refusal, to the creditors of the bank, and to that extent shall be personally liable for the debts due from such bank; and upon his failure to pay the same, suit may be instituted against the stockholders jointly and severally, for the recovery of such debt or debts in any court of competent jurisdiction for the recovery of the same.

§ 12. Said bank shall be located in the town of Eminence.

§ 13. This act to be in force from and after its passage.

Approved February 13, 1867.

CHAPTER 1345.

AN ACT for the benefit of the late Sheriff of Henry County and his sureties.

WHEREAS, At the October term, 1866, of the Franklin circuit court, a judgment was rendered in favor of the Commonwealth and against W. J. Brewer, the then sheriff of Henry county, and John Brewer, Thomas Holly, and Rowland Mobly, sureties on his official bond, for the collection of the revenue due the State from said county, for the sum of \$15,664 43, with interest from the 1st of June,

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1865, six dollars and seventy cents costs, and three thousand one hundred and thirty-two dollars and eighty-eight cents damages, on account of the failure of said sheriff to pay into the State Treasury the amount of revenue due from said county for the year 1865, on which judgment an execution was issued for the amount of the judgment, damages, costs, and interest from the 1st of June, 1865, which was placed in the hands of the sheriff of Franklin county, and by him levied on all the property of every kind and description of the said sheriff and his sureties above named, which was afterwards sold at public outcry for the sum of \$7,500, leaving unpaid on the execution the sum of \$———; and whereas, also, it appears that there are large amounts of tax outstanding and uncollected on the books of said sheriff for the years 1862-3-4 and 5, and also large amounts listed against individuals who have died, removed, and become insolvent, and which, on account of the greatly disturbed and overrun condition of that county by guerrilla and other forces during the whole time said books were in his hands, thereby rendering it impossible for him to collect the same, or to make proper delinquent lists thereof. Now, in order to relieve said sheriff and his said sureties from the balance unpaid on said judgment, and to have the same adjusted on principles of equity and fairness both to the individuals and the Commonwealth,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said judgment shall be credited, in addition to the sum for which the property was sold under execution, by the sum of \$3,132 88, the amount of damages on the judgment, and also the interest due thereon.

§ 2. It shall be the duty of the county judge for said county to make a thorough inspection of the tax-books of said sheriff for the years 1862-3-4, and 5, and to allow him credits for all amounts which may appear to be outstanding, unpaid, and collectable thereon; and also to allow him credits for all taxes for those years which have been improperly assessed, and for all delinquents for which he has not already had credits, and for which, in the opinion of said judge, he ought in equity to be credited. When the amount of credits shall have been fully ascertained, it shall be the duty of the judge to certify the same to the Auditor of Public Accounts, who shall enter the amount so certified as an additional credit on said execution.

§ 3. It shall further be the duty of the county judge to re-list all taxes outstanding on said books, which, in his judgment, is collectable, and certify the same to the Auditor, who shall place the same in the hands of the

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present sheriff for collection, and said sheriff shall receive and account for the same as in case of other revenue.

§ 4. Neither the sheriff nor his sureties shall be entitled to any of the provisions of this act until they shall have severally given their consent in writing to all the provisions thereof, and also waiving any and all irregularities that may exist in the sales that have been made under the above recited execution, which consent shall be attested by the clerk of the Henry county court, by him recorded, and a certified copy forwarded to the Auditor.

§ 5. All further proceedings on said judgment and execution shall be stayed for the term of one year, or until such time within that period as the county judge may be able to ascertain the credits under this act to which said sheriff is entitled, and certify them as herein provided.

§ 6. This act to be in force from and after its passage.

Approved February 13, 1867.

CHAPTER 1346.

AN ACT to incorporate "The Green River Deposit Bank at Campbellsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bank estab-
lished, name &
style, and cor-
porate powers.

§ 1. That there is hereby established a bank of deposit in the town of Campbellsville, with a capital of fifty thousand dollars, which shall be divided into shares of fifty dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Green River Bank, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Who to control
affairs.

§ 2. Said bank shall be under the control of five directors, each of whom shall be stockholders; they shall be residents of this State, and, after the first election, shall be elected annually on the second Monday in January, in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as shall be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at

May receive
subscriptions
of stock, de-
clare divi-
dends, &c.

any time, choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants, as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

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§ 3. W. B. Carlile, Charles Pattison, Joseph H. Chandler, Geo. W. Asper, J. N. Turner, and A. F. Gowdy, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when five hundred shares have been subscribed, it shall be their duty to give notice, in two or more daily papers published in Louisville, Kentucky, and appoint a day for the election of a board [of] directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: five dollars on each share at the time of subscribing, and twenty dollars within ten days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days: *Provided*, That, after fifteen thousand dollars have been paid, the board of directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some daily newspaper in Louisville, Kentucky, for thirty days, the directors may, by resolutions entered on their record, forfeit such stock and re-sell the same, at such time and place as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as ten thousand dollars shall have been paid in, and [the] president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

Commissioners
to open books.Payment of
stock.When may
commence busi-
ness.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be circulating as money, and repay the same in such manner, at such times, and with such interest, as may be agreed upon with the depositors, either special or general; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons; and the promissory

May receive
deposits, &c.

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notes made negotiable and payable at its banking-house or at any bank, and inland bills, which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

May hold real
estate, &c.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy, all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the constitution and laws of this State or of the United States.

May make
by-laws.

To pay State
tax.

§ 6. It shall be the duty of the president, on the first day of January in each year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the sinking fund for this Commonwealth.

Penalty for
defrauding
bank.

§ 7. If the cashier, clerks, teller, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the person so offending shall be guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

Trust effects
may be dispos-
ed of.

§ 8. When a deed of trust for personal property shall be made to secure any debt due to said bank, the trustees may dispose of the trust effects according to the provisions of the trust deed.

Not to issue
notes to circulate
as money.

§ 9. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 10. The General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 11. This act shall take effect from its passage; and the Legislature reserves the right to alter, amend, or repeal this charter at pleasure.

Approved February 13, 1867.

CHAPTER 1347.

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AN ACT to incorporate the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company, in Lewis County, and to establish a Sinking Fund Board for said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby formed and created a body-politic and corporate, by the name and style of the Vanceburg, Salt Lick, Tollsboro, and Maysville turnpike road company, to consist of a president and five directors, with the other stockholders, for the purpose of making a turnpike road from Vanceburg, in Lewis county, up Salt Lick creek, to the Mason county line ; and from thence to intersect some turnpike road leading to Maysville, the place at which said road shall reach the line between Lewis and Mason county to be selected by the board of commissioners hereafter named in this act. Said road shall be built upon the McAdam plan. Said company, by said name, shall have perpetual existence and succession, and all the rights, privileges, and franchises incident to such a corporation ; and shall be capable of taking and holding their capital stock, and the increase and profits thereof ; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work ; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of record, or any other proper places whatever ; to contract for, buy, and own the right of way for said road ; to have a common seal, and to do all and every other act and thing whatsoever, within the object and scope of their incorporation, which a body-politic or corporate may lawfully do.

Name & style.

Location of road.

Corporate powers.

§ 2. The capital stock of said company shall be one hundred thousand dollars, and may be increased to any sum necessary to build the roads and branch roads authorized by this act, to be divided into shares of twenty-five dollars each. Books for the subscription of stock shall be opened on the third Monday in March, 1867, or as soon thereafter as the commissioners may direct, at the clerk's office of the Lewis circuit court, in Vanceburg, and continue open until the stock shall be subscribed, or until the board of directors may see proper to close them ; the books shall be opened under the direction of Thomas W. Mitchell, J. B. Fitch, George M. Thomas, Geo. T. Halbert, J. R. Garland, and Thos. D. Parker, any two of whom may open the books at said place, and are hereby empowered to act and are appointed commissioners for that purpose ; said commissioners shall procure books, and the subscribers

Capital stock.

Books for subscription of stock to be opened.

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Obligation of
subscribers.

shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the president and directors of the Vanceburg, Salt Lick, Tollsboro, and Maysville turnpike road company the sum of twenty-five dollars for each share of stock set opposite to our names, in such proportions, and at such times as the said president and directors may require."

President and
directors to be
elected.

§ 3. So soon as \$10,000 are subscribed to the capital stock of said company (or sooner if said commissioners shall judge best), it shall be the duty of said commissioners to give notice in writing to the stockholders for a meeting of said stockholders, at such time and place as they may designate, for the purpose of electing a president and three or more directors, not to exceed five; the said officers to be elected from among the stockholders, and one vote shall be allowed for each share of stock; and the said officers shall continue in office for one year, and until their successors are in like manner duly elected. A majority of the directors shall be competent to transact business.

Powers of cor-
poration.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall possess all the powers, rights, and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing said road; and may have and enjoy all the rights and privileges, and be subject to all the duties, qualifications, and restrictions, hereinafter provided for.

Elevation and
grade of road.Location of
gates.

Rates of toll.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width or part thereof to be covered by stone, and the width or part thereof to be elevated and graded, and left uncovered with stone; they shall designate the place for the erection of gates, not exceeding one for every five miles of said road; and they may charge and receive the same tolls which are allowed by law to the Maysville, Washington, Paris, and Lexington turnpike road company, as amended by act of Legislature, approved January 29th, 1829: *Provided*, The width of said road shall not exceed sixty feet, and the part covered with stone shall not be less than twelve feet.

Calls on stock.

§ 6. The president and directors may call on the subscribers of stock for any portion of their stock subscribed, not exceeding one fourth of the total amount at a time, nor on shorter periods than three months after the first call; the first call of one fourth may be called for and payment enforced at any time after said board is organized, until all the stock subscribed shall be paid in by the subscribers of stock.

Certificate of
stock to be de-
livered, & may
be transferred.

§ 7. The president and directors shall deliver a certificate, signed by the president, and countersigned by the

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treasurer, to each stockholder for the shares by him held, which certificate shall be transferable on the books of said board, according to the order, in person or by attorney in fact, of such stockholder; but no share shall be transferred until all calls or arrearages thereon are paid. On the transfer of any share, the original or existing certificate shall be surrendered, and a new one be issued in the name of the purchaser thereof, who shall thereupon become one of the corporators, and be entitled to all the rights, privileges, and benefits of the corporation generally.

§ 8. That the president of the board may call meetings of the board at such times and places as he may think proper, and a majority of the directors shall be necessary for the transaction of business; said board shall keep a record of its proceedings, to be entered in a book to be provided for that purpose; and each days' proceedings shall be signed by the president or presiding officer; and they may adjourn from time to time, as it may become necessary in the judgment of the board.

Called meetings.

To keep record.

§ 9. That the board of directors shall have power and authority to agree and contract with, and appoint all such surveyors, engineers, superintendents, artists, and officers as it shall judge necessary to act within the authority of the board, and to fix the pay and salaries thereof; to prescribe the time, manner, and proportions in which the stockholders shall make payment on their respective shares, subject to the conditions hereinafter prescribed; to draw orders on their treasurer for all moneys necessary to pay the salaries or wages of persons employed, and for materials and labor furnished; and to do all other matters and things as by this charter, or by the by-laws under it, said board is authorized to do; and the president shall give twenty days' notice of the amount of the call on each share of stock, and of the time of payment. And if any stockholder shall refuse or neglect to pay his proportion of such stock for the space of twenty days after the time appointed for the payment thereof, every such stockholder shall be subject to suit by warrant before a justice of the peace, or in the quarterly or circuit court for the amount or amounts so called, and shall pay interest upon it from the time it should have been paid, at six per cent. per annum, until paid. And in the event of said corporation failing to make any portion of any share of stock, the whole amount which shall have been paid thereon shall be forfeited to the company, and passed to the general items of profits.

May appoint surveyors, engineers, &c.

Further powers of directors.

Penalty for non-payment of calls on stock.

Stock may be forfeited.

§ 10. That the said road shall be located by the president and directors, commencing at Vanceburg, and from there up Salt Lick creek to the head waters thereof; and thence the most practicable route to the line between

Location of road.

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May use public roads in construction of their road.

May enter upon lands.

Proceedings for obtaining right of way, &c.

Lewis and Mason counties; said board may give preference to that route upon which the citizens and property-owners give the most liberally and subscribe the most stock. Said road shall be laid out and graded as said president and directors may order; and they, their surveyors, engineers, and other agents, are hereby authorized to occupy, use, and own any public road, or any part thereof, between the termini of the road to be built, for all purposes necessary to the construction and use of said turnpike road on the macadamized plan, making reasonable provision for the travel on said public roads while said turnpike is being constructed. Said company may also go upon any lands or inclosures contiguous thereto, to examine any lands, quarries of stone, or other material necessary for the construction or use of said road; and where the use of any quarry, stone, or other material shall be necessary in the construction and for the use of said road, and the board of directors and the owner of said land, quarry, stone, or material, cannot agree upon the price which shall be paid by the company for the same, application shall be made on behalf of the company to the county court of Lewis county, for a jury to assess the value of the same, and after the return and confirmation by said county court of the inquest made by said jury, said company shall make payment of, or tender the value of any land, quarry, stone, or other material, and shall thereupon proceed to occupy, appropriate, and use the same in the construction of, and for the use of the said road; and all persons employed in the construction of said road with wagons, carts, and all other necessary implements, shall have free ingress and egress to and from said lands, quarries, stone, and other materials, for the purpose aforesaid; the directors shall have power to agree with the owner or owners of any lands, quarry, stone, and material for the same, or the use thereof.

When may erect toll-gate.

§ 11. That when said road, or any continuous section of two and one half miles of said road shall have been completed, the board of directors shall have power to erect a gate and collect half toll—that is, one half the amount charged for five miles according to this act.

Gate-keepers, clerk, treasurer, &c., to be appointed.

§ 12. The toll-gate keepers shall be appointed by the president and board of directors; said board shall also appoint a clerk and treasurer, the latter of whom may be required to enter into bond with good security; said bond shall be made payable to said company. The clerk shall keep in a well bound book a record of the proceedings of said board, which shall at all times be open to the inspection of any stockholder. The bond of the treasurer shall be conditioned that he will faithfully discharge his duties as treasurer, and that he, at all times, will pay over any

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money in his hands to the order of the president and directors of said board; suit may be brought on said bond in the name of the president and directors of said company, for any default of said treasurer, in any court having jurisdiction of the amount claimed to be due from said treasurer.

§ 13. The president and directors may let out any portion of said road as soon as four thousand dollars is subscribed, and the balance of said road, or an additional part thereof, at discretion of said board, as soon as the capital stock is subscribed to an amount sufficient to build the road to Cabin creek, or a less distance; said board may let out the building of any portion of said road of from one to fifteen miles as fast as the money is subscribed to build the same. As soon as said road is finished to Salt Lick creek, and a suitable bridge erected across said stream, they may erect a toll-gate and collect toll for that portion of said road. The charge for toll shall be in conformity with the general law of the State regulating tolls on turnpike roads; they shall only be authorized to charge toll for so much of said road as shall be completed and in good repair for traveling. ●

May let out portions of road.

§ 14. If any person shall go around or turn off said road with the intent to avoid the payment of tolls as fixed by the president and directors, he, she, or they shall, on conviction thereof before any justice of the peace or other magistrate, be fined five dollars, to be collected as other sums under the jurisdiction of such officers.

Penalty for non-payment of tolls.

§ 15. The president and directors shall have power to construct branch roads from the principal road, and for constructing said branch roads, or any one of them, the president, directors, and company shall have the same powers and privileges that are given to them in this charter to construct the main road.

May construct branch road.

§ 16. That in all suits, pleadings, and process, there shall be no change in the name or style of the president, directors, and company of the Vanceburg, Salt Lick, Tollsboro, and Maysville turnpike road company; and in the management, construction, and government of the said main and branch roads, the powers of the company shall be the same in all respects, and all gifts or grants to one may enure to both by the consent of the president and directors and stockholders of such branch road.

Suits how conducted.

§ 17. Said company shall have power to acquire, hold, or sell real and personal estate, so far as deemed by said corporation necessary in the construction, use, and repair of said road or branch roads, to build bridges, erect gates, houses, and to do all other acts and things necessary in the exercise of the powers herein expressly conferred.

May hold real estate.

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May take labor
in payment of
stock.

§ 18. The president and directors of said company are authorized to sell stock in said company to any amount they may judge proper, to any person or persons, and take their obligations, payable in labor on said road, or part in labor and part in money, at such prices as may be agreed on between the parties.

Elections how
conducted.

§ 19. The power of holding and conducting the election of the officers of said company shall be vested in any one of the commissioners named in this act. The first election shall be held at the clerk's office of the Lewis circuit court in Vanceburg; after said first election, the board of directors shall fix the time and place of all future elections, and who shall hold and conduct the same. The president, directors, and other officers of said company, from time to time elected, shall, before entering upon the duties of their office, take an oath before some officer authorized to administer oaths by the laws of this State, well and truly to discharge the duties of their respective offices.

President,
directors, &c.,
to take oath.

May make by-
laws.

§ 20. That said president and directors shall have power to adopt and enforce such by-laws, rules and regulations, as they may deem necessary and proper for enabling them to construct, control, and manage the road, and all branch roads and property belonging to the same, contemplated to be constructed by this act, it being the intention to confer power on said company to build said main road, and as many branch roads as said president and directors may choose, and can raise the money to build.

May work out
subscriptions.

§ 21. It shall be the privilege of each individual, through whose land the main road or any branch road may pass, who may subscribe stock, to work out the value of his stock through his land, and adjoining thereto, at the estimated price for labor done, or he shall have the preference at the lowest bid; all subscribers of stock shall have the privilege of working out their stock subscribed under the direction of the president and directors, at the customary prices for labor, instead of paying the same in money; they must, however, work under the direction of the president and directors of said company, or their agent.

County court of
Lewis county
may subscribe
stock.

§ 22. In order to encourage the building of macadamized roads in Lewis county, it is hereby made the duty of the county court of said county, whenever one half of the stock of said company shall be subscribed by responsible individual shareholders, to build said turnpike road ten miles of its distance and length, and proof of such subscription shall be made to said county court, to subscribe to said turnpike road company one thousand dollars per mile for and in the name of Lewis county; and said county shall, upon such subscription by the county judge of said county for said county, become a stockholder in said company to said amount. The stock of said county

shall be represented and voted at any election of officers of said company by the presiding judge of the county court and the clerk of said court, each voting one half of the stock of said county at all elections held by said company; and when said county judge is satisfied of sufficient stock having been subscribed by responsible individual stockholders in said company to build one half of an additional number of miles of said road, or any branch thereof, not less than three miles in length at a time, said presiding judge of the Lewis county court shall again sign for and in behalf of said county of Lewis one thousand dollars per mile to the stock of said road or branch road, as the case may be.

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§ 23. That the Lewis county court is hereby authorized and directed to issue the bonds of said county, payable at not a longer date than twenty years, to bear interest not exceeding six per cent. per annum, which bonds may be in such amounts, and principal and interest payable at such place or places, as the said county court may direct; the interest to be paid annually. Said bonds may be sold by order of said county court, and the money paid to the president and directors of said turnpike road company, or said court may order said bonds to be issued and delivered to said president and directors; and if so delivered, said county of Lewis shall thereupon become a stockholder to the amount of money called for in the bonds issued and delivered to the president and directors of said company. Said county court is also authorized to issue the bonds of the county, and loan them to said turnpike road company, in amount sufficient to enable said company to build fifteen miles of the main road the first year after the same is commenced; said bonds to draw six per cent. per annum, the interest to be paid annually; said bonds may be issued to fall due not more than fifteen years hence. For the bonds loaned to said company, the county shall have a lien upon said road, and its tolls and revenues, until the county is reimbursed.

May issue
bonds to pay
subscriptions.

Interest to be
paid annually.

§ 24. To meet the annual interest on said bonds, to pay all the expenses incident to the issue thereof, and the payment of principal and interest, and all the expenses incident to the conducting a sinking fund, and to provide a sinking fund fully sufficient to pay and liquidate the principal when due, it shall be the duty of the county court of Lewis annually to levy an ad valorem tax on the property subject to pay State revenue assessed for taxes in Lewis county, which, when added to the poll-tax, shall be sufficient to defray the necessary county expenses, and the expenses before named, and put with the principal of the sinking fund a sum annually, sufficiently large, so that it will be ample to redeem and pay off all the bonds issued

Tax to be
levied to pay
interest and
principal of
bonds.

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Sinking fund
commissioners
to be appointed

by said county court for turnpike road purposes and bridges, when said bonds shall become due. Said county court shall appoint three discreet persons sinking fund commissioners; and they and their successors are constituted a body-politic and corporate, by the name of the Lewis County Sinking Fund Commissioners; and as such, and by that name, may contract and be contracted with, sue and be sued; but before the funds of the county raised for the sinking fund purposes shall be put into their hands, they shall execute bond to the Commonwealth of Kentucky, with good surety, to be approved by said county court, in double the amount of funds which may go into their hands, or be under their control for the ensuing year; and it shall be the duty of said court to renew said bond annually; said county court may issue said bonds, payable not beyond the time named in this act, but conditioned that said bonds may be redeemed and paid off sooner if said county court so elects.

Bonds to be
issued at regu-
lar term of
court.

§ 25. Said county bonds shall be ordered to be issued by said county court at a regular term, and shall be signed by the presiding judge of the county court, and attested by the county court clerk; and if semi-annual coupons be desired by said court for the interest, they shall be signed by the county court clerk.

Where books
may be opened.

§ 26. The president and directors of said company shall have power, and are hereby authorized, to open books for the subscription of stock at any place they may judge best for the interest of said company; and should said commissioners all refuse to act, die, or remove, the county court of Lewis county is hereby authorized and required to appoint other commissioners to open books for the subscription of stock in said company; and commissioners thus appointed shall possess all the powers of those named in this act.

§ 27. This act shall take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1348.

AN ACT to declare the Middle Fork of Kentucky River a Navigable Stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Middle Fork of Kentucky river, from John Candle's to the mouth of White Oak creek, be, and the same is hereby, declared a navigable stream: *Provided*, That this act shall in nowise interfere with the mill of John Chappell, now erected on said stream.

§ 2. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1349.

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AN ACT for the benefit of Geo. L. Davis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George L. Davis, late sheriff of McLean county, be, and is hereby, allowed further time to the 15th day of June, 1867, to pay into the Treasury the remainder of the revenue and State tax due from said county for the year 1866, and the same time to make out and return his delinquent list for the revenue for said county collectable in the year 1866; and said list, when returned to the Auditor, certified as now required by law, shall entitle said sheriff to a credit therefor in his settlement with the Auditor: *Provided*, The securities of said late sheriff agree to said extension.

Approved February 13, 1867.

CHAPTER 1350.

AN ACT to amend the Charter of the Trader's Bank, approved January 18th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the Traders' Bank, as is embraced in section 8 of the said charter, be, and the same is hereby, repealed, and in lieu thereof, the following shall be inserted and form section 8 of the said charter: "It shall not be lawful for said bank to issue any note or bill to be passed or used as money."

§ 2. This act shall take effect from its passage.

Approved February 12, 1867.

CHAPTER 1351

AN ACT to incorporate the Deposit Bank of Georgetown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established the Deposit Bank of Georgetown, the capital stock of which institution shall not be less than thirty thousand dollars, nor more than ninety thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and transferable only on the books of the company, in such manner, and subject to such regulations, as the board of directors may prescribe.

Bank established, capital stock, &c.

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Commissioners
to obtain sub-
scriptions of
stock.

§ 2. That J. D. Grissim, C. C. Moore, Dr. B. F. Elliott, A. S. Bradley, and James Y. Kelly, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation herein created, who, or a majority of whom, may meet at some convenient time and place, in the town of Georgetown, of which one month's previous notice shall be given, at which time they may open books and receive subscriptions of stock to said institution; and shall keep said books open for one month, and as much longer as said commissioners shall deem necessary, or until the stock is taken.

Corporate
powers.

§ 3. As soon as thirty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered over to the subscribers, who shall thereupon constitute a body-politic and corporate, with the corporate name of the Deposit Bank of Georgetown; they and their successors shall so continue for the term of thirty years; and may contract and be contracted with, sue and be sued, plead and be impleaded, and may exercise all other powers usually incident to such corporations.

Directors to be
elected.

Annual meet-
ings.

How stock
voted. &c.

§ 4. Upon the receipt of the books of subscriptions, the subscribers, or a majority in value of them, shall meet and elect five persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected. The annual meeting of the stockholders shall thereafter be held on the first Monday in January in each year; but meetings may be held oftener if the directors, or a majority of them, require it; and in all meetings of stockholders, each person shall be entitled to one vote for every share of stock held by him; the officers shall hold their offices for one year, and until their successors shall be elected; but may be removed by a majority at any regular or called meeting of the stockholders. The directors may choose one of their number as their president, may appoint a secretary and such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and times of paying in the stock, and shall have the general control of the affairs of the bank.

To conduct
election.

Condition of
bank to be ex-
amined.

Business of
bank.

§ 5. The directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed, who shall, at least twice in each year, examine into the condition of the bank, and file their report on same, subject at all times to the inspection of all the stockholders.

§ 7. The business of said bank shall be to receive money and bank notes on deposit, and may allow the depositors

such interest thereon as may be agreed upon; not to exceed the lawful rate of interest; to deal in gold and silver coin, bullion, bills of exchange, and promissory notes; to buy and sell the stock of other companies, and the bonds of this State and of the United States; but it shall not issue notes or bills, or certificates of deposit, or any other instrument intended for circulation as money.

§ 8. All promissory notes, negotiable and payable at some incorporated bank in this State, incorporated by the Legislature of this State, or doing business under the laws of the United States within the State of Kentucky, purchased or discounted by said bank, shall be put on the footing of foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers thereon.

Promissory notes placed on footing of bills of exchange.

§ 9. The directors shall annually declare dividends of the profits arising from the business of the bank.

Declare dividends.

§ 10. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same, according to the terms of deposit, and without lawful excuse, said bank shall pay to the depositor the amount of his or her deposit, and fifteen per cent. damages on the amount thereof, to be recovered in the Scott circuit court.

Penalty for failure to pay deposits.

§ 11. Said bank shall pay its deposits in the money or currency of the like kind and value of that deposited.

How deposits to be paid.

§ 12. The said bank may purchase and hold, sell, and convey, any real or personal estate which may be necessary to carry out the objects of its creation; and it may receive conveyances of real estate, or any other property, as may be necessary or proper to secure any debt due to it, or which may be sold for the payment of such debt.

May hold real estate, &c.

§ 13. That the stockholders of said institution shall be held liable individually for the redemption of all debts and liabilities thereof, to the extent of the amount of stock owned and held by them in said bank.

Liability of stockholders.

§ 14. The General Assembly reserves the right to examine into the condition of affairs of the institution by any person or persons, or committee selected or appointed for that purpose, at any time, and in such manner as the General Assembly may think proper; and the officers of the institution are required to report to the Secretary of State, on the first day of January and July of each year, a full and correct statement of the business, condition, and affairs of the institution.

General Assembly may examine bank.

§ 15. This charter shall be forfeited by the violation of any of the provisions thereof. The Scott circuit court shall have jurisdiction to try the question of forfeiture; the action shall be by ordinary proceedings, alleging and specifying the acts of forfeiture relied on, and shall only be

Charter may be forfeited.

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sued out at the instance of the Attorney General, when directed by the Legislature.

§ 16. This bank shall be located in the town of Georgetown.

President, &c.,
not to become
security.

§ 17. That it shall not be lawful for the president or any of the directors or officers of said institution to become bound as security for any person, while holding such position; and a violation of this section shall subject the person violating the same to a penalty of not less than fifty dollars, nor more than five hundred dollars, to be recovered by action of debt in the name of the corporation, for its own use and benefit.

To pay State
tax.

§ 18. That this bank shall, on the first day of January, in each year, pay into the Treasury of this State fifty cents on each one hundred dollars' of stock subscribed, which shall be in full of all tax and bonus, and constitute a part of the sinking fund of this Commonwealth.

§ 19. This act to take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1352.

AN ACT to incorporate a Savings and Deposit Bank in the town of Elizabethtown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bank incorpo-
rated, and cor-
porate powers.

§ 1. That there is hereby established a Savings and Deposit Bank in the town of Elizabethtown, with a capital of fifty thousand dollars, which may be increased by order of the directors of said bank to two hundred thousand dollars, in shares of fifty dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Elizabethtown; and shall so continue for thirty years from the time of its organization; and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatever. Said bank may have and use a common seal, and change the same at pleasure.

Who to man-
age affairs.

§ 2. Said bank shall be under the control and management of five directors, who shall be stockholders residing in this State, and, after the first annual election, shall have owned the same at least six months next before his election; they shall hold their office until their successors are elected and qualified, and, after the first election, shall be elected the second Monday in January of each year, or as soon thereafter as is practically convenient; and in case of

Term of office.

Vacancies.

a vacancy, the remaining directors shall have power to appoint a qualified stockholder to fill it; they shall elect one of their number president, who shall preside at their meetings, and perform such other duties as may be assigned him by this charter and their by-laws; they shall have power to sell any of the stock remaining unsold, to declare dividends of the profits arising out of the business of the bank, to appoint such officers, agents, and employees, as they may deem necessary to conduct the business of the bank, and pay them for their services; to take from the president and cashier, and other employees, such bond as they may deem proper and reasonable to secure a faithful performance of their respective duties; and to make such by-laws as they may deem necessary for the proper management of the bank: *Provided*, The same shall not be contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder or his attorney, under such rules and regulations as the directors shall, from time to time, establish; but the corporation shall have a lien on the stock to secure any indebtedness to the bank by the stockholder.

§ 3. That Bryan R. Young, Charles G. Wintersmith, Samuel B. Thomas, Alfred M. Brown, Theodore H. Gunter, William Showers, and James M. Duncan, are hereby appointed commissioners, any of whom, after giving notice to the others, may open the books in the town of Elizabethtown, and receive subscriptions for the capital stock of said bank; and when one fourth or more of said stock shall have been subscribed for, it shall be their duty to give notice to the stockholders, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payment for the shares subscribed for shall be as follows: five dollars on each share at the time of subscribing, and twenty dollars within twenty days after the election of the first board of directors, and the remainder in such amounts, and at such times, as the directors may require: *Provided*, That no one call shall be larger than twenty dollars per share, and at a shorter notice than twenty days; and furthermore, that nothing contained herein shall be construed so as to prevent any stockholder from making payments on his stock in advance of the calls made by the directors. Said corporation may commence so soon as ten thousand dollars shall have been paid in as capital.

§ 4. Said bank may receive gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and at such rate of interest, as may be agreed upon

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President.

Officers and agents may be appointed.

May make by-laws.

Stock deemed personal property.

Commissioners to open books.

Payment on stock.

Business of bank.

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with the depositors, by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and such other evidences of debt; take personal and other security for the payment of the same, and dispose of the latter as may be agreed upon between the parties, and pass a valid title to the same. All promissory notes, and inland bills of exchange, which may be discounted and owned by said bank, shall be, and are hereby, put upon the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

May receive
deposits from
minors, &c.

§ 5. Said bank may receive deposits from minors and married women; and the receipts and acquittances of such minors and married women shall be valid.

May acquire
and hold real
estate.

§ 6. Said bank may acquire, hold, and use, all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any judgment or decree, and sell and convey the same; and may buy its own stock in payment of a debt, judgment, or decree; but shall sell the same as soon as it is practically convenient.

Dividends.

§ 7. No greater dividend than ten per centum per annum shall be paid to the stockholders, unless the surplus fund remaining on hand shall be equal to one tenth of the capital paid in.

§ 8. No loan or discount shall be made to any stockholder to pay any call or balance due on his stock.

Liability of
stockholders.

§ 9. Every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to said stockholder.

To pay State
tax.

§ 10. It shall be the duty of the president, on the first Monday in January in each year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonds to the State, and shall form a part of the sinking fund of this Commonwealth.

Not to issue
circulating
medium.

§ 11. It shall not be lawful for said bank to issue any note or bill to circulate as money.

Penalty for
wrongful ap-
propriation of
funds.

§ 12. If the president, cashier, teller, clerks, or other officers, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the bank, or any person, or to conceal any improper appropriation of funds, the person or persons so offending shall be deemed guilty of felony, and, upon conviction thereof, be sentenced to

confinement in the jail and penitentiary of this Commonwealth for a period of not less than two or more than twenty years.

§ 13. That president, directors, and other officers of this bank, previous to entering on the discharge of their duties, shall take an oath, before some justice of the peace of this State, faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney General of this Commonwealth.

President, &c.
to take oath.

§ 14. That the president, directors, and company of this bank, be, and they are hereby, authorized and empowered to wind up the affairs of said bank, whenever a majority of the stockholders, represented by stock, shall determine that the wants of the community and the interest of the company do not require its continuance.

President and
directors may
wind up affairs.

§ 15. To effect this, the president, directors, and company, shall have all the powers which may be necessary and proper to wind up and liquidate the affairs of said bank upon just and equitable principles.

§ 16. Section six of this act shall not be so construed as to permit said bank to hold any real estate that it may acquire in any manner for a longer period than five years, except such as may be necessary for the transactions of its business, and as banking houses and offices.

§ 17. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1353.

AN ACT to incorporate the Southern Fire and Marine Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. Hite, B. F. Guthrie, O. W. Thomas, W. C. Hall, J. L. Smyser, John B. Smith, George W. Morris, Robert Atwood, and William Muir, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the Southern Fire and Marine Insurance Company of Louisville; and shall continue until the first day of January, one thousand nine hundred (1900), and by that name are made capable in law to have, pur-

Corporators' names, and corporate powers.

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chase or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, public securities of any kind, quality, or nature whatsoever, not exceeding at any one time the sum of one million dollars; and to sell and dispose of the same at any time, or in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any other place whatsoever; also, to make and use a common seal, and the same to break, alter, and renew at pleasure; also, to ordain, establish, and put in execution such by-laws as may be necessary and convenient for the government of said corporation not contrary to law.

Capital stock.

§ 2. The capital stock of this company shall not exceed one million dollars, and shall be divided into shares of fifty dollars each.

May open books
for subscrip-
tion of stock,
organize, &c.

§ 3. The corporators named in this act, or any three of them, shall, within twelve months from the passage of the same, open books for the subscription of stock; and when ten thousand (10,000) shares or more shall have been subscribed, they shall give notice of a meeting of the subscribers, when ten (\$10) dollars shall be paid in hand on each share subscribed for; and the company shall be organized when the remaining forty dollars (\$40) on each share shall be secured, to be paid at the time and in the manner that shall be designated by the shareholders who have paid in ten dollars on each share subscribed for. The corporators, or any of them, who shall fail to subscribe for stock, shall cease to be members of the company; and all such subscribers as shall fail to pay ten dollars (\$10) on each share subscribed for, on the day designated in the second notice, shall cease to be stockholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription. And in case any subscriber shall fail to pay any call made by the board of directors (who are hereby authorized to make such calls) for the unpaid balance of his subscription, and remain in default for the space of sixty days, the board may, in their discretion, forfeit his stock for the benefit of the company. And the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased, but in no event shall it exceed the sum of one million dollars.

Stock may be
forfeited.

Who to man-
age affairs.

§ 4. The business of this company shall be managed by ten directors to be chosen by the subscribers, and no director shall hold less than twenty-five shares of stock. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in January next succeeding, or until their successors are chosen. And on

the first Monday of January of each year an election for directors shall be held at the office of the company; such election to be held under the direction of three stockholders who shall have been appointed by the directors, and shall be by ballot and by plurality of votes of the stockholders or their proxies, allowing one vote for each share of stock; and upon all questions submitted to the stockholders for decision the same rule as to voting the stock shall apply. And should any election directed to be held under the charter of this company, from any cause, be neglected to be held on the day designated, or be held on a subsequent day, the corporation shall not, on that account, be dissolved; but any or all elections, held in good faith, shall be valid as if held on the day designated in the act of incorporation.

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Annual election.

§ 5. The board of directors may choose one of their number as president, in such manner and for such a period as they may ordain by their by-laws; and employ such clerks, secretaries, or agents and servants, as they may deem necessary for conducting the affairs of the company, and make such compensation as may be agreed on. At all meetings of the board of directors, a majority of the whole number shall form a quorum for the transaction of business.

President, secretary, &c., to be appointed.

§ 6. Whenever the sum of one hundred thousand dollars shall be paid in, and the further sum of four hundred thousand dollars shall be secured to be paid to the satisfaction of president and directors, they shall have full power and authority, in the name of said company, to make insurance against fire on the general conditions and principles of fire insurance, to the full extent now enjoyed by other companies now incorporated for the same purpose by the Commonwealth of Kentucky; and to make all kinds of insurance on vessels, boats, crafts of every description, on the interior rivers, lakes, bays, bayous, canals, in the United States, or on the high seas, as well as on goods, wares, merchandise, produce, specie, freights, of every description of property transported by land or by water within the United States, or to or from any foreign port or country, or on the high seas, on the general conditions and principles of marine insurance, and to do and perform all things relating to the said objects conformable to the provisions of this act and the laws of the Commonwealth.

When to commence business

§ 7. The form of certificates of shares, and manner of transfer, shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each shareholder for any claim that the company may have for the unpaid part of his shares or other debts due or arising to said company; and no

Form of certificates, &c.

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transfer shall be made except by the sanction of the board of directors.

§ 8. At any regular meeting of the stockholders (a majority of the stock consenting) it may be determined to declare a portion of the profits of the company by way of return premium to such policy-holders as the stockholders at such meeting may direct.

Annual state-
ment to be
made.

§ 9. On the first Monday in January and the first Monday in July, in each year, a fair and clear statement of the affairs of the company shall be made out and exhibited to the stockholders, and a dividend of such proportion of the profits be made as a majority of the directors shall decide, but in no case shall the capital stock be diminished.

Policies, &c.

§ 10. All policies of insurance or other contracts authorized by this act, which shall be made and entered into by the said corporation, may be with or without the seal thereof, and shall be subscribed by the president and attested by the secretary; and being so signed, executed, and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, and executed and attested, without the presence of the board of directors.

§ 11. That said insurance company shall not, at any time, own real estate exceeding in value one hundred thousand dollars.

Approved February 13, 1867.

CHAPTER 1354.

AN ACT to incorporate the Kentucky Poultry Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Usher, J. F. Thummel, J. W. Storey, Louis Rehm, and John Wood, or such of them as shall act herein, their associates, successors, and assigns, be, and are hereby, created a body corporate and politic, by the name of The Kentucky Poultry Company, with succession for thirty years, and full power to contract and be contracted with, sue and be sued, and to acquire by purchase, conveyance, or other lawful mode, which a natural person may, and to hold, use, occupy, and enjoy, any real or personal property, or interest therein, which the corporation, by its board of directors, may deem advisable, not exceeding in value twenty-five thousand dollars, with full power to sell, convey, lease, assign, transfer, or otherwise dispose of any part thereof or all; and with like power of purchasing fowls or stock of any kind, and of marketing, selling, trading in, and disposing of the same, with all

incidental powers pertaining to said business; to make roads, and erect machinery, buildings, &c., for carrying on the business of the company, with or without a common seal, provided all their corporate acts be done and evidenced by the official signature of the president and attested by the clerk.

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§ 2. The said incorporators are hereby vested with full power to organize said company under this act, and shall constitute the first board of directors, a majority of whom shall constitute a quorum to do business, with full power to dispose of, appropriate, sell, assign, and transfer the shares of the capital stock of the company in such manner and proportion, and on such terms and conditions, as they may deem most advisable; and with like power to manage and conduct the business of the corporation until their successors shall be duly elected and qualified. The capital stock of the company shall not exceed, at the time of its organization, the sum of five thousand dollars, but may thereafter, as the company may deem necessary, be increased so as not to exceed one hundred thousand dollars. The shares of stock shall be ten dollars each, par value, and shall be assignable and transferable under the rules and regulations that may be adopted by the company.

§ 3. After the said first board of directors, the business of the company shall be managed and conducted by a board of five directors, one of whom shall, by the votes of the others, be elected president. The first and all subsequent boards of directors shall have power, from time to time, to appoint a secretary, treasurer, and other officers, and to employ all such agents, mechanics, and laborers, as, in the opinion of the board, the business of the company may require, and to remove or discharge them at pleasure; and may require of the secretary and of the treasurer, and of any employe of the company, bond and security for the faithful performance of their respective duties; and may make all such rules and by-laws for the government of the company, its officers, agents, and affairs, as the board shall deem necessary.

§ 4. Elections shall be held for directors at such times and places, and under such regulations and by-laws, as the board shall establish. Each stockholder shall be entitled to one vote for each share of stock held by him, and may vote by proxy, duly authorized in writing. The board of directors so elected shall hold their office for one year, and until their successors are duly elected and qualified. Any vacancy occurring in the board may be filled by a vote of the remaining members; and in case of absence of the president, the board may appoint one of their number president *pro tem*. None but stockholders shall be members of the board, nor shall the company, in any manner,

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engage in banking: *Provided*, That said company's business shall be located and carried on in this State, and shall not engage in trading in real estate or fighting game fowls; and if this proviso is violated, this charter shall cease and be void.

§ 5. This act shall be in force from and after its passage.

Approved February 13, 1867.

CHAPTER 1355.

AN ACT to incorporate the German St. Franziskus Xavierius Benevolent Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Clemens Schildt, Ferdinand Lampke, Charles Rademaker, Ferdinand Kresig, their associates and successors, be, and they are hereby, created a body corporate and politic, by the name and style of The German St. Franziskus Xavierius Benevolent Society of Louisville, and by that name shall be known, and may contract and be contracted with, sue and be sued, plead and be impleaded, of purchasing and holding real estate sufficient for benevolent purposes, and disposing of the same at pleasure; to have a common seal, and have the right to alter the same; to make their own constitution and by-laws, and alter and amend the same when deemed to be to the interest of the society; nothing, however, to be in conflict with the laws of this State or of the United States.

§ 2. The above named corporators shall form the first board of managers, select therefrom their officers, and to remain in office until their successors are elected and qualified according to the rules laid down by their constitution and by-laws.

§ 3. They shall have the power to levy and collect such fees for membership, and such stated dues thereafter to be paid by its members, and at such times of payment, as may be fixed by its constitution or by-laws; and shall also have the right to prescribe its own mode of paying out its surplus funds, or to invest the same in such other manner as it may be deemed profitable, but not to exercise banking privileges.

§ 4. The object of the society is, that the members, by taxes and monthly fees, raise to form a treasury for the support of sick and unfortunate members of the society; and, in case of death, to help widows and children according to the constitution of the society.

§ 5. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1356.

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AN ACT to incorporate the St. Anthony's German Roman Catholic Relief Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jacob Ecoh, Henry Brumleoe, Frank F. Wieseman, Alves Duerr, and their associates and successors, be, and they are hereby, created a body corporate and politic, by the name and style of The St. Anthony's German Roman Catholic Relief Society, and by that name shall be known, and have the right to contract and be contracted with, sue and be sued, plead and be impleaded, of purchasing and holding real estate sufficient for benevolent purposes, and dispose of the same at pleasure; to have a common seal, and have the right to alter the same; to make their own constitution and by-laws, and alter and amend the same when deemed necessary or to be to the advantage of their society; nothing, however, to be in conflict with the laws of this State or the United States.

§ 2. The above-named corporators shall be the first board of managers, select therefrom their officers, and to remain in office until others are elected and qualified, according to the rules laid down by their constitution or by-laws.

§ 3. This society shall have the power to levy and collect such fees for membership, and such stated dues thereafter, to be paid by its members, and at such times of payment, as may be fixed by its constitution or by-laws; and shall also have the right to prescribe its own mode of paying out its surplus funds, or to invest the same in such other manner as it may deem profitable, but not to exercise banking privileges.

§ 4. The object of the society is, that the members, by paying an admission fee, and by the payment of monthly dues, fines, &c., create a treasury for the support of sick or unfortunate members of the society, and, in cases of death, to help their widows and children, according to the constitution of the society.

§ 5. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1357.

AN ACT to incorporate the Soldiers and Sailors' National Union of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Louis Schwitzer, Phil. Rossler, Lorentz Ammon, G. L. Scherer, Fred. Schnelle, Frank Steiner, their

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associates and successors, be, and they are hereby, created a body corporate and politic, by the name and style of The Soldiers and Sailors' National Union of Louisville; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded; of purchasing and holding real estate sufficient for benevolent purposes, and dispose of the same at pleasure; to have a common seal, and have the right to alter the same at pleasure.

§ 2. The above named incorporators shall constitute the first board of managers, select therefrom their officers, and remain in office until others are regularly elected and qualified, according to their constitution. They shall have the power to make their own constitution and by-laws for the government of their society, and alter and change the same as they may deem to be to their advantage, not, however, to be contrary to the laws of this State or the United States.

§ 3. This society shall have the power to levy and collect such fees for membership, and such stated dues thereafter to be paid by its members, and at such times of payment, as may be fixed by its constitution or by-laws, and shall also have the right to prescribe its own mode of paying out its surplus funds, or to invest the same in such other manner as it may deem profitable, but not to exercise banking privileges.

§ 4. The object of the society is, that by the admission fee of each member, and by the monthly fees of members, donations, or fines, to raise or form a treasury for the support of sick or unfortunate members of the society; and, in cases of death, to help their widows and children according to the constitution of the society.

§ 5. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1356.

AN ACT for the benefit of Milton Barlow.

WHEREAS, Milton Barlow, a native Kentuckian, has, after many years of deep study and patient toil, brought to completion an instrument, known as Barlow's Planetarium, which is entirely new in its mechanism, and has been acknowledged by many of the best astronomers and teachers in this country as an invention far superior to all others for illustrating the planetary motions; and whereas, it is very desirable that Mr. Barlow should be enabled to exhibit this instrument at the Universal Exposition, that will be held at Paris, France, during the present year, as a creditable specimen of Kentucky ingenuity and art. Now,

therefore, in order to secure the accomplishment of this end,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That whenever Mr. Barlow shall notify the Auditor of Public Accounts that he is ready to start to Europe with the said Planetarium, the Auditor shall issue his warrant on the treasury in favor of the said Milton Barlow for fifteen hundred dollars; the same to be appropriated by him to the purpose aforesaid.

§ 2. *Provided*, That said Barlow, before drawing the money appropriated in this act, give bond to the State, with good and sufficient surety, faithfully to carry out his agreement as contemplated in the foregoing act: *And provided further*, That the money shall not be drawn except by the order of the Governor, he being advised that the exhibition of said Planetarium can be made at the Paris exhibition.

§ 3. This act shall take effect from its passage.

Approved February 13, 1867.

CHAPTER 1359.

AN ACT, entitled "An act to amend the charter of the Henry, Oldham, and Jefferson Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act approved March 2, 1860, entitled "An act to incorporate the Henry, Oldham, and Jefferson Turnpike Road Company," is hereby so amended as to empower the president and directors and company to construct said road from Ballardsville to a point on the Louisville and Frankfort railroad at or near Beard's Station, so as to connect with a branch of the Jefferson and Brownsboro turnpike road.

§ 2. In the ninth section of said act strike out the words "first elected."

§ 3. Strike out the sixteenth section of said act, and insert the following: "That the width of said road and the grade thereof shall be fixed by the company: *Provided*, That the rock part of said road shall not be less than twelve feet wide.

§ 4. That in case of the death, resignation, or removal of the president of said company, the board of directors shall call a meeting for the purpose of electing a president to fill the unexpired term of said president.

§ 5. That all the acts of said company heretofore done be, and the same are hereby, rendered legal and binding

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upon all parties interested therein, as if the first president of said company were now living.

§ 6. This act shall take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1360.

AN ACT to incorporate the Lincoln and Boyle Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Lincoln and Boyle Turnpike Road Company, for the purpose of making and forming an artificial road, commencing on the Danville and Hustonville turnpike, near Shelby City, and running to the Danville and Stanford turnpike, near Mr. John Logan's.

§ 2. Capital stock of said company shall be \$8,000, divided into shares of \$50 each; and if it be ascertained that this sum is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such amount as may be necessary, and open subscriptions therefor in such manner as they think proper.

§ 3. That books for the subscription of stock in said company shall be opened on the third Monday in March, or as soon thereafter as convenient, and kept open until the capital stock shall be subscribed. The books will be opened in Shelby City, under the direction of Jas. H. Williamson, Jno. G. Williams, R. W. Givens, J. Givens, Jno. Pulliam, Jno. L. Thurman; and in Danville under the direction of M. N. DePauw, Thos. H. Lillard, Jno. Logan, Peter Tribble, Reuben Gentry, Dr. Bosley, and Wesley Smith, who are hereby appointed commissioners. Any two or more of the commissioners may open the books and receive subscriptions of said stock at either of the above named places. The subscribers of stock shall enter into an obligation in said books to pay the sum subscribed by each respectively. Notice shall be given in one of the Danville papers of the time of the opening of said books.

§ 4. That the county courts of Lincoln and Boyle, a majority of the justices concurring therein, may take stock in said road; and to pay the same may levy a tax on each \$100 worth of property in said counties, subject to taxation, as will be sufficient for that purpose.

§ 5. So soon as \$5,000 of said stock shall be subscribed, the commissioners may call a meeting of the stockholders and elect a president and six directors, who shall hold their office for one year, and comply with all the provisions of

the fourth section of the act incorporating the Danville and Hustonville turnpike road company.

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§ 6. That so soon as said road shall be completed, it will be entitled to the benefit of one gate; and the corporation is authorized and empowered to erect a gate on said road and receive toll at the same.

§ 7. That the provisions of the act to incorporate the Danville and Hustonville turnpike road company, approved March the 1st, 1844, from the fifth to the thirty-fifth sections, inclusive, be, and the same are hereby, extended to the Lincoln and Boyle turnpike road company.

Approved February 13, 1867.

CHAPTER 1361.

AN ACT to incorporate the Deposit Bank of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. Ireland, L. T. Moore, H. H. Kenner, N. P. Andrews, William Campbell, George Night, John M. Rice, George N. Brown, and John D. Mims, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or any four of whom, may meet at some convenient time and place in the town of Catlettsburg, of which two weeks' notice shall be given by printed handbills, at which time they may open books and receive subscriptions to the stock of said institution, and shall keep them open two hours daily for at least five successive days.

Commissioners to receive subscription of stock.

§ 2. The capital stock of said institution shall be not less than twenty-five thousand dollars, nor more than one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shares shall be personal estate; shall be transferable only on the books of the company, in such manner, and subject to such regulations, as the board of directors may prescribe.

Capital stock.

§ 3. At the expiration of said five days, or as soon thereafter as the sum of twenty-five thousand dollars shall have been subscribed to the stock of said institution, the books of subscription may be closed and delivered to the subscribers, who shall thereupon constitute a body-politic and corporate, by the name of the Deposit Bank of Catlettsburg; and they and their successors shall so continue for the term of thirty years, from and after the first day of March, 1867, and under the restrictions hereinafter prescribed; may contract and be contracted with, sue and be sued, plead and be impleaded, and exercise the other powers usually incident to corporations.

When books may be closed.

Name & style, and corporate powers.

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Directors to be elected.

Annual meetings, &c.

How stock voted.

Term of office.

President, cashier, &c., to be appointed.

Annual elections.

Committee to examine and report condition of bank.

Business of bank.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and select five persons, who shall be stockholders, and residents of Kentucky; to serve as directors of said institution until the first Monday in March, 1868, and until their successors shall be elected. The annual meeting of the stockholders of said bank shall thereafter be held on the first Monday of March in each year; but meetings may be called at any time by any number of persons holding one third in value of the stock, by giving similar notice to that prescribed in the first section hereof; and in all meetings of stockholders each person shall be entitled to one vote for each share of stock held by him. The directors shall hold their offices for one year, and until their successors are elected; but may be removed by any regular or called meeting of the stockholders. They may choose one of their number, or one of the other stockholders, as their president; may appoint a cashier, and such other officers as they may require; fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and terms of paying in the stock, and shall have the general control of all the affairs of the bank.

§ 5. The directors shall annually appoint two or more stockholders to attend and hold the annual elections.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed, who shall, at least four times in a year, examine into and report upon the condition of the institution, which report shall be filed in its office, recorded in the minute book, and be subject to the inspection of all the stockholders.

§ 7. The business of the bank shall be to receive on deposit United States legal tender notes, and such other bank notes that may be current (and may allow the depositors such interest thereon as may be agreed on); to deal in gold, silver coin, bullion, Kentucky and United States stocks, or bonds, bills of exchange, and promissory notes; to buy and sell the stock of other companies; but it shall not issue notes or bills, or certificates of deposit, or any other instrument intended for circulation as money. All promissory notes purchased or discounted by said bank, payable at the same or any other banking institution in this State, shall be put on the footing of foreign bills of exchange. The directors shall annually, or semi-annually, declare dividends of the profits arising from the business of the bank. The president of the corporation shall be caused to be paid into the treasury of this State, on or before the first day of January in each year, fifty cents on each one hundred dollars of stock subscribed, which shall be in full of all tax or bonus, and to be applied to the sinking fund.

§ 8. The said bank shall receive on deposit all sums of money during banking hours. Should any person make a deposit in said bank, and be refused payment thereof on demand made for the same during banking hours, and according to the terms of the deposit, and without lawful excuse, said bank shall forfeit and pay to the depositor the full value or amount of his deposit, with fifteen per cent. damages, to be recovered by suit in the Boyd circuit court.

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To receive deposits.

§ 9. The said bank may purchase, hold, sell, and convey any real and personal estate that may be necessary to carry into effect the objects of its creation and no other; and it may receive conveyances of such property as may be necessary or proper to secure any debt due it, or may be sold for the payment of any such debt.

May hold and sell real estate.

§ 10. This charter, and all privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof by any officer of the institution; and the failure upon the part of the officers, or the refusal of them to pay any tax imposed upon the capital stock of the institution by this charter, shall also work the forfeiture of this charter. The circuit court of Boyd county shall have jurisdiction to try and to declare the forfeiture thereof, upon the petition of the attorney of the Commonwealth, at any time, or upon the petition of, or by *scire facias*, sued out by the Attorney General when directed to do so by the Governor or by the General Assembly, fully setting forth and stating the acts of forfeiture complained of.

Forfeiture of charter.

§ 11. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise; nor shall the president or directors be indorsers on any promissory note or bill of exchange which shall be bought by the said bank; nor shall a person who is director in any other bank be eligible for the office of president or director in this bank; nor shall two partners in trade both be eligible for office of director.

Officers not to engage in other business.

Not to become indebted to bank.

§ 12. That if the cashier, clerks, teller, or other officer, shall, without the consent of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries on the books of the institution, with the intent to cheat or defraud the corporation or any other person; to hide or conceal any improper appropriation of the funds, the officers so offending shall be deemed guilty of felony; and, upon conviction thereof, shall be sentenced to confinement in the jail and penitentiary of

Penalty for misappropriation of funds.

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this State for a period of not less than two, nor more than twenty years.

Officers to take
oath.

§ 13. The president, directors, cashier, and all other officers, before entering on the discharge of their respective duties, shall take an oath, before some judicial officer, faithfully, honestly, and impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation.

How stock to
be paid.

§ 14. That the payment of the shares of the capital stock held by individuals, companies, or corporations, shall be made in United States legal tender notes, and at the times and in the manner following, to-wit: five dollars on each share to the commissioners at the time of subscribing, and the sum of ten dollars on each share within ten days after the election of the first board of directors, and the balance as the board of directors may direct.

Stock may be
forfeited.

§ 15. That should any of the subscribers to the stock of said institution fail or refuse to pay for the stock as herein provided, the president and directors, first giving public notice by printed handbills for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited shall be held for the benefit of the institution.

When to com-
mence business

§ 16. That so soon as five thousand dollars of the capital stock shall be paid in by individuals, companies, or corporations, as heretofore required, the president and directors shall cause the Governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the president and at least two of the directors that the same has been paid in as capital stock, *bona fide*, and make due return to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds hereby required, has been done; and the said institution is hereby authorized to commence operations.

May vote by
proxy.

§ 17. That at all annual and called meetings of the stockholders, the stockholders may vote in person or by proxy; if by proxy, it shall be by a stockholder, but not an officer of the bank.

§ 18. This act shall be in force from its passage.

Approved February 13, 1867.

CHAPTER 1363.

1867.

AN ACT for the benefit of John L. Sallee, County Court Clerk of Wayne.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John L. Sallee, county court clerk of Wayne county, is hereby authorized and required to place in the hands of Benoni Mills, the former sheriff of Wayne county, the assessor's book, "colored," of the year 1866; and the said sheriff be required to collect the tax therein assessed, and account as provided by law; and that the said sheriff be allowed till the first day of April next to do the same.

Approved February 13, 1867.

CHAPTER 1364.

AN ACT to extend the provisions of the mechanics' lien law to the county of Fayette.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the provisions of the mechanics' lien law, approved February 17, 1858, and the amendment thereto, approved June 3, 1865, be, and the same are hereby, extended to the county of Fayette.

Approved February 13, 1867.

CHAPTER 1365.

AN ACT for the benefit of Elijah R. Eskridge, late Judge of the Breckinridge County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elijah R. Eskridge, late judge of the Breckinridge county court, be, and he is hereby, allowed the further time of two years from and after the passage of this act to list and collect his uncollected fees: *Provided*, That Elijah R. Eskridge shall be subject to all the pains and penalties for issuing and collecting illegal fee bills as now provided by law.

§ 2. This act to take effect from and after its passage.

Approved February 13, 1867.

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CHAPTER 1366.

AN ACT to amend the 10th article of the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article 10, of the charter of the city of Louisville, be so amended, that it shall be the duty of the board of trustees of the public schools of Louisville to admit as pupils in the academical department of the university and female high school and public schools of Louisville, free of charge for tuition, any and all children of any and all persons who reside outside of the corporation limits of said city, and who are non-resident tax-payers to said city. Those living in the county, and not paying taxes on city property in Louisville, shall not be permitted to send their children to said schools: *Provided*, That nothing in this act shall permit or authorize the general council of the city of Louisville, or board of trustees of said public schools, to suffer children of the African race to become pupils of said schools with white children; and that the said general council and board of trustees shall keep as a separate fund the school tax levied by said city, and paid by persons of the African race within said city; and shall apply and use said school fund or tax so paid by persons of the African race in the education of children of parents of the African race residing within said city, or who pay a school tax to said city; and for that purpose may establish such schools in said city, and adopt rules for their regulation and government.

§ 2. This act to take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1367.

AN ACT to amend an act, entitled "An act to incorporate the City Fire and Marine Insurance Company of Covington," approved February 22, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the City Fire and Marine Insurance Company of Covington," be amended as follows:

§ 2. That from section one be struck out the names of William Ernst, Jno. W. Menzies, Jno. W. Finnell, R. K. Sumerwell, L. H. Cambran, Philip S. Bush, and the following names substituted therein: John F. Fisk, Vincent Shinkle, Peter Beall, B. F. Decker, A. W. Schleutker, John Todd, and James Spilman; and the name of said company shall be the Kenton Insurance Company of Kentucky.

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§ 3. The capital stock shall be divided into two thousand shares of fifty dollars each; and as soon after subscribing as the first board of directors may deem necessary, there shall be paid on each share of stock ten dollars, and a note executed for the balance, to be secured or not in such manner as the president and directors for the time being may require. Should the stockholders determine to increase the stock of the company to two hundred thousand dollars, the shares therein shall also be fifty dollars each, and payment thereof required in such time and manner as the president and directors then in office may deem best for the interest of the company.

§ 4. The directors first chosen shall serve until the first Monday in January, 1868.

§ 5. In section seven, after the word "Commonwealth," add "or by the laws of the United States, or any institution authorized by law to purchase or discount notes or bills of exchange."

§ 6. Strike out from section fourteen so much as requires a notice that the books are open for subscription, to be published in newspapers.

§ 7. Strike out section 15, and insert in lieu thereof, "This act shall be in force from its passage, and continue for the space of thirty years; and so much of the act to which this is an amendment as is inconsistent herewith is hereby repealed."

Approved February 13, 1867.

CHAPTER 1368.

AN ACT for the benefit of Greenup County.

WHEREAS, The county judge, by the consent of the jailer of Greenup county (under an act, chapter 279, approved March 3, 1856), leased to John Seaton a vacant unoccupied up-stair room in the jail building, and a coal-house on the public square, by written lease recorded in the clerk's office of the county court of said county; and whereas, the county court of said county (the county judge and all the justices except two being present and concurring therein), made an order at its January term, 1867, confirming said lease according to the terms and conditions therein expressed; and whereas, some doubts have been expressed as to the power of the judge or court to make said lease. Now, therefore, to remove any doubts and make the matter legal,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge shall be, and is, invested with full power to grant said lease; and said lease shall be held to be legal and binding according to the terms thereof: *Provided*, That if said room should be hereafter needed for county purposes, said lease shall cease at the expiration of one year after notice made by order of the court of claims: *And provided*, That said court of claims shall make an appropriation to pay said Seaton the value of such improvements as he may have made upon said lease.

§ 2. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1369.

AN ACT for the benefit of Jacob Corbett, Clerk of the Ballard County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from and after the passage of this act is given to Jacob Corbett, clerk of the Ballard county court, in which to list and collect all fee bills due him as clerk of the Ballard county court, under the existing laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1370.

AN ACT to amend the Mechanics' Lien Law of McCracken County, and for the better protection of Mechanics and Material Men of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lien law in favor of mechanics and material men of McCracken county be so amended that if any married woman owning land or lots in McCracken county shall hereafter contract alone or in conjunction with her husband with any mechanic to erect any building, improvement, or to repair any building heretofore erected upon the land or lots of such married woman; or if such married woman shall contract in like manner with any material men to furnish lumber or materials in and towards the building, improvement, or for the purpose of repairing any building heretofore erected, such mechanic per-

forming labor, or material men furnishing lumber or materials, under contract as aforesaid, shall have a lien upon the land or lots, and the improvements on the same, to the extent of the value of the labor performed, or the lumber and materials furnished, which liens may be enforced in the circuit court or court of common pleas of McCracken county; and all laws of this State, for the protection of married women, coming within the purview of this act, are hereby repealed.

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§ 2. This act shall take effect from and after its passage.

Approved February 13, 1867.

CHAPTER 1371.

AN ACT establishing a new Election District in the County of Union.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that portion of the election district in Union county known as the Caseyville district, bounded as follows, viz: Beginning at a point where Cypress creek empties into Tradewater river; from thence with the meanders of said river to the Webster county line; thence with the said line to the Pond Fork of Caney creek; and thence with the meanders of the said Pond Fork to the Hoyt Bridge, on the Caseyville and Sulphur Spring road; thence with the said road to the Morganfield and Marion road; and thence with said road to Cypress creek; thence with the meanders of said creek to the beginning, be, and the same is hereby, made and established into a separate election district in said county of Union; and that the voting precinct for said district be, and the same is hereby, established at Lindle's Mills in said district.

§ 2. That the Governor of this Commonwealth be, and he is hereby, authorized and empowered to appoint two justices of the peace in said election district to fill the office of justice of the peace until the next regular election for justices of the peace in May next; and the county judge of said county of Union is hereby empowered and authorized to appoint a constable in said election district until the regular election in May next, at which time an election for two justices of the peace and one constable shall be held, and shall continue to be held for said offices from time to time as now provided by law.

Approved February 13, 1867.

1867.

CHAPTER 1372.

AN ACT to repeal portions of an act, entitled "An act to allow the county court of Lewis county to apply the proceeds of vacant lands to the improvement of the navigation of the Kinniconick river."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to allow the Lewis county court to apply the proceeds of the vacant lands of said county to the improvement of the navigation of the Kinniconick, and for other purposes," as applies to the county of Greenup, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 13, 1867.

CHAPTER 1373.

AN ACT to incorporate the Russellville Stone Quarry Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. L. Stancliff, John Haly, C. P. Burgher, C. H. Harrison, and H. B. Tully, their successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of the "Russellville Stone Quarry Company," for the purpose of carrying on a general stone business, quarrying, working, buying, selling, and such other use of stone as may be necessary for the interest of the company.

§ 2. By and in the name of "Russellville Stone Quarry Company" shall be authorized to sue and be sued, to contract and be contracted with, to purchase, hold, sell, and convey, by deed, mortgage, and otherwise, any real or personal estate; to have a common seal, which may be changed at pleasure: *Provided*, That said company shall not hold at one time real estate exceeding in value twenty thousand dollars, and this charter shall be for thirty years.

§ 3. The capital stock of said company shall be not less than five thousand (\$5,000) dollars, and not more than twenty-five thousand (\$25,000) dollars.

§ 4. The company shall have the power to make rules, regulations, and by-laws for the management of said company for the government of their stockholders, officers, and agents, and for the management and protection of the corporate property, rights, and interest from loss or injury, and for the welfare and prosperity of the company: *Provided*, They are not in violation of the laws of Kentucky and the United States of America.

§ 5. This act shall take effect from the day of its passage.

Approved February 14, 1867.

CHAPTER 1374.

1867.

AN ACT for the benefit of B. Mills, late Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. Mills, late sheriff of Wayne county, be, and he is hereby, allowed further time to the 1st day of May, 1867, to pay into the treasury the remainder of the revenue and State tax due from said county for the year 1866, and the same time to make out and return his delinquent list for the revenue for said county, collectable in the year 1866; and said list, when returned to the Auditor certified as now required by law, shall entitle said sheriff to a credit therefor in his settlement with the Auditor: *Provided*, The securities of said late sheriff agree to said extension, and have the same entered upon the records that they will stand upon his bond the same as if this extension had not been given.

§ 2. This act to take effect from its passage.

Approved February 14, 1867.

CHAPTER 1375.

AN ACT for the benefit of J. L. Robertson, late Sheriff of Hopkins County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the 15th day of June, 1867, be, and the same is hereby, given to J. L. Robertson, late sheriff of Hopkins county, to collect and pay into the treasury the balance of the revenue of said county for the year 1866: *Provided*, The sureties of said Robertson, as sheriff, personally appear before the county court of Hopkins at its February term and give their consent to said extension.

§ 2. This act to take effect from the first day of March next.

Approved February 14, 1867.

CHAPTER 1376.

AN ACT to establish an additional Justices' District in Cumberland County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional district and election precinct be, and is hereby, established in Cumberland county, to include all persons residing in the following boundary: Beginning at Clinton county line, in Scott's ferry road; thence with that road to Lawson's farm, near the head of

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Goose creek ; thence to Milton Murlie's, near the mouth of Oil Fork of Bean creek ; thence a straight line to Sulphur Meeting-house, including all persons living on the north fork of Sulphur creek ; thence with Farries' creek road to the Clinton county line, and with said line to the beginning. The place of voting in said district shall be at John Carver's.

§ 2. That general and special elections shall be held in said district, officers elected and vacancies filled in said district, as now provided for by the general law of the Commonwealth.

§ 3. The county judge of said county shall have power to change the voting place in said district, on application of a majority of legal voters residing in the boundary of said district, and establish it at the point by them designated.

§ 4. It shall be the duty of the Secretary of State to furnish the two justices of the peace to be elected in the district created by this act with the proper books and acts of the General Assembly immediately after their election.

§ 5. This act to take effect from its passage.

Approved February 14, 1867.

CHAPTER 1377.

AN ACT for the benefit of the citizens of Precinct No. 1, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sale of spirituous liquors, or any mixture of either, be, and is hereby, prohibited in justices' precinct No. 1, in Mercer county, better known as the Dixville precinct: *Provided, however,* That this act shall not be construed to interfere with the rights of any person now having a tavern, or other license under which such liquors are sold ; but shall be construed to prevent any sale thereof under any license hereafter granted : *And provided further,* That the county court of Mercer county may grant licenses to keep a tavern in said precinct ; but such license shall not carry with it the right to sell spirituous liquors or the mixture of either.

§ 2. Any person violating the provisions of this act shall be subject to the penalties prescribed by existing laws in regard to unlawful sales of spirituous liquors or the mixture thereof.

§ 3. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1378.

1867.

AN ACT to change the voting place in District No. 6, in Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting precinct in the eastern part of District No. 6, in Carter county, be, and is hereby, changed from Andrew Kitchen's to John Blankerbicklar's.

§ 2. This act to take effect from date of its passage.

Approved February 14th, 1867.

CHAPTER 1379.

AN ACT to change the place of voting from Millerstown to the House of Joseph Morrison, in Grayson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in precinct No. 5, in Grayson county, be, and the same is hereby, changed from Millerstown to the house of Joseph Morrison, on the road from the Grayson Springs to Millerstown.

§ 2. That this act shall be in force from its passage.

Approved February 14, 1867.

CHAPTER 1380.

AN ACT to grant the title of the Commonwealth, acquired by escheat, in real estate, &c., owned in fee by Samuel Brindley, at his death, to his children.

WHEREAS, It appears satisfactorily that Samuel Brindley, a free man of color, died a number of years ago seized and possessed in fee of certain lots and buildings thereon, and some personal property, situated in the town of Ruddle's Mills, county of Bourbon, leaving the following children, to-wit: Benjamin Brindley, Henry Brindley, Minerva Jefferson, wife of Dennis Jefferson; Mary Jane Garrard, wife of Squire Garrard, and Mary Brindley, all of whom, at the death of their father, were slaves; and said Samuel Brindley, having no legal heirs, the said property, which was devised to him by Nicholas Brindley, of said county, escheated to this Commonwealth. Now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the title thus acquired by the Commonwealth be, and is hereby, granted to and vested in the said Benjamin Brindley, Henry Brindley, Minerva Jefferson, Mary Jane Garrard, and Mary Brindley, in the same pro-

1867. portion as if acquired by them by descent; and they are hereby declared capable in law of taking and holding said property, both real and personal, and the proceeds and rents produced by either, as if they had been free at their father's death: *Provided*, That the right of any one else, claiming under or through said Samuel Brindley, shall not be affected in any manner by this act.

§ 2. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1381.

AN ACT to change the place of voting in Election Precinct No. 4, in Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in election precinct No. 4, in Greenup county, be, and the same is hereby, changed from the house of J. W. Kouns to the old town school-house in said precinct, and that the elections hereafter shall be held at said school-house.

§ 2. This act shall be in force from and after its passage.

Approved February 14, 1867.

CHAPTER 1382.

AN ACT to reduce into one the two voting precincts in the Buffalo District, in Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the two voting precincts, Boone's Furnace and Equire McGlore's, in the Buffalo district, in Carter county, be, and they are hereby, reduced into one; and the voting precinct in said Buffalo district shall be at Thomas Smith's.

§ 2. This act to be in force from and after date of its passage.

Approved February 14, 1867.

CHAPTER 1383.

AN ACT to change the place of voting in District No. 8, in Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting be, and the same is hereby, changed from the residence of Henry Vanover, in

said district, to the residence of Mathew Murphey, in
said district.

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§ 2. This act to take effect from and after its passage.

Approved February 14, 1867.

CHAPTER 1384.

AN ACT for the benefit of Leslie Combs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer for sixty dollars, in favor of Leslie Combs, that being the amount of water rent paid by him for the use of the Court of Appeals, and attendants for six years, from September, 1860, to September, 1866.

§ 2. This act to take effect from its passage.

Approved February 14, 1867.

CHAPTER 1385.

AN ACT for the benefit of James Bible, of Laurel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the treasury, in favor of James Bible, for twenty-five dollars, for keeping and providing for Davis Angel, who was upon the idiot roll, from March, 1865, to August, 1865.

§ 2. This act to take effect from its passage.

Approved February 14, 1867.

CHAPTER 1386.

AN ACT for the benefit of James Sasser, of Laurel County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant upon the treasury, in favor of James Sasser, for twenty-five dollars, for keeping and providing for Dixon Sasser, who was upon the idiot roll, from March term, 1865, to August term, 1865.

§ 2. This act shall be in force from its passage.

Approved February 14, 1867.

1867.

CHAPTER 1387.

AN ACT for the benefit of the "Louisville Pilots' Benevolent and Relief Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the estate and effects, real, personal, and mixed, of the "Louisville Pilots' Benevolent and Relief Association," incorporated by an act of the General Assembly, approved February 22, 1860, and organized to afford relief and assistance to its members in cases of sickness, death, or disability to work, and provide for the support of pilots' widows and orphans, be, and the same is and shall be exempt from taxation for State or municipal or other purposes.

§ 2. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1388.

AN ACT to incorporate the Ohio River Telegraph Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benjamin Bransford, James Porter, J. M. Taylor, H. C. Elliott, F. L. Sims, John P. Thompson, G. W. Williams, Charles Grinnell, and Pink Varble, having heretofore associated themselves together for the purpose of erecting a telegraph line along the Ohio river, from Louisville to Owensboro, and to other points on the Ohio and Mississippi river, and having already contracted for the building of said line from Louisville to Owensboro, and being desirous at some future day to continue said line from point to point, along the Ohio river, to the town of Hickman, on the Mississippi river: now, therefore, they and their associates are hereby created a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure, all such real and personal property as may be necessary and convenient to carry into effect the objects of this charter; to make and use a common seal, and the same to alter at pleasure, and do all needful acts to carry into effect the object of this law; and they and their associates being so incorporated, shall be known by the name and style of the Ohio River Telegraph Company.

§ 2. All the acts and contracts of said company done under their voluntary association as heretofore, for the purposes aforesaid, shall be considered and deemed as done under this act of incorporation; and the president and directors heretofore chosen by said association shall

be considered and act as the president and directors of the Ohio River Telegraph Company until a new board is organized under the charter now granted.

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§ 3. The present board of directors, so soon after the passage of the charter now granted as they may deem proper, shall call a meeting of the stockholders by public notice in the newspapers of Owensboro, when and where a new board, consisting of a president and five directors, shall be elected to serve for the year succeeding; and on the first of May of each following year a new president and board of directors shall be elected; and if, for any reason, said election shall not take place, then the old board shall continue in office until a new board shall be elected and installed.

§ 4. In all elections each stockholder shall be allowed one vote for each share of stock held in his or her name; and the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and such capital may, from time to time, be increased or diminished by a vote of a majority of the stockholders at any lawful meeting.

§ 5. The board of directors may adopt and pass any by-laws that they may deem proper and necessary for the control and management of the affairs of said company, and the government of the officers, directors, or employees of said company: *Provided*, That said by-laws shall not be incompatible with their charter and the constitution of the State of Kentucky.

§ 6. Said company may, from time to time, as said board of directors may deem advisable, continue their telegraph line to any and all points along the Ohio river, and to any point on the Mississippi river within the boundary of the State of Kentucky.

§ 7. The said Ohio River Telegraph Company are hereby given and granted all the rights, privileges, and authority given to the Kentucky Telegraph Company, by an act passed and approved February 27, 1866. That this charter shall be for thirty years; and the company shall keep an office or agent in this State; and this act shall take effect from its passage.

Approved February 14, 1867.

1867.

CHAPTER 1389.

AN ACT to extend the limits of the Town of Benton, Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Benton, in the county of Marshall, be, and they are hereby, extended so as to include the ground within the following boundary, viz: beginning at the town line on Lick creek, and running thence up said creek, with its meanderings, to the Wadesboro road, and thence north with said road to its intersection with Main street.

§ 2. That the county court of Marshall county be, and it is hereby, authorized and required to divide and lay off said ground into lots, with streets and alleys, such as in its discretion may be deemed most suitable and convenient.

§ 3. That the trustees of said town are hereby required to have made out and recorded, by order of said court, a plat of said town, including the addition, giving the numbers and size of all lots, and the names, width, and length of all streets and alleys; and in surveying the ground and making out the plat, due respect shall be given to the numbers and size of the lots, and names, width, and localities of the streets and alleys, as established by the original plat, which was destroyed in and with the burning of the clerks' offices of said county. The trustees are authorized to take and hear proof in regard to the same. The said plat, when recorded, shall be evidence of the numbers, size, and locality of the lots, and of the names, width, and localities of the streets and alleys.

§ 4. That the corporate authorities of said town be, and they are hereby, empowered and required to provide for the poor of said town, and to keep the streets and alleys in order.

§ 5. Before said addition to the town is made, ten days' previous notice in writing shall be posted by the trustees at the court-house door; and in other respects article 5, chapter 100, of the Revised Statutes, shall govern.

§ 6. All expenses incident to the addition, the survey, plat, and recording, shall be paid by the trustees.

§ 7. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1390.

1867.

AN ACT to amend the charter of the Hopkins Mastodon Coal, Iron, Mining, and Manufacturing Company, approved January 11, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Hopkins Mastodon Coal, Iron, Mining, and Manufacturing Company shall be reduced to two millions (\$2,000,000) dollars.

§ 2. The board of directors shall have power to call in all stock that may have been issued, and cancel the same, after giving ninety days' notice by publication in some newspaper published in Henderson or Hopkinsville or both; and such stock as shall not be returned for cancellation within the time specified, may, by the board of directors of said company, be declared void: *Provided*, The stockholders of said corporation shall consent thereto.

§ 3. The said Mastodon Coal Company may sell and convey such portion of their lands to any railroad company constructing a railroad through or adjacent thereto, or may sell any part of their lands to individuals, and convey the same, as the president and directors, or a majority of them, may deem to the interest of the company.

§ 4. The style and title of said company shall be known by the name and style of the Hopkins Mastodon Coal Company.

§ 5. This act shall be in full force from and after the acceptance of the same by a majority of the board of directors of the company.

Approved February 14, 1867.

CHAPTER 1391.

AN ACT to incorporate the Winchester, Colbyville, and Lexington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. H. Prewitt, John W. Bean, George Sutherland, David L. Sutherland, Henry Grant, Robert E. Martin, sr., James L. Grigsby, James H. Haggard, S. Grant Jackson, James G. Martin, S. F. Tebbs, Wm. H. Spencer, and B. F. Buckner, and their associates, are hereby created a body corporate, with perpetual succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with; to make and use a common seal, and alter the same at pleasure; and to do all acts needful or necessary to carry into effect the objects of this act; and they and their associates shall be known by the name and style of

1867.

The Winchester, Colbyville, and Lexington Turnpike Road Company.

§ 2. The capital stock of this company shall not exceed sixty thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. Said company shall have power to construct a turnpike road from Winchester to Lexington. Said road shall be located as near as practicable upon the bed of the Todd's road from Winchester to Lexington. Said company shall also have power to construct a turnpike road from any point in the Todd's road, near the lands of R. H. Prewitt, to any point in the turnpike road leading from the Lexington and Winchester turnpike road to Comb's Ferry, on the Kentucky river; and may also construct a turnpike road from any point in the Todd's road, near the lands of R. H. Prewitt, to the Lexington and Winchester turnpike road.

§ 4. Any of the above named corporators shall have power to receive subscriptions of stock in said company, which said subscriptions shall be in substance as follows: Each of the persons whose names are hereto subscribed agrees to take the number of shares of the capital stock of the Winchester, Colbyville, and Lexington turnpike road company set opposite our names; and each of us severally agrees to pay the president and directors of said company one hundred dollars for each share so taken by us, at such times and in such sums as the directory of said company shall call for the same.

§ 5. When five thousand dollars of the stock of said company has been subscribed for, the company may proceed to organize by electing five directors, a treasurer and secretary, who shall hold their offices respectively until the first day of January then next ensuing, and until their successors are duly elected and qualified. The five directors shall select one of their number as president. An election for directors shall be held by the stockholders annually, at such time and place as the directors may determine upon. Ten days' notice of the time and place of election shall be given by written or printed notices, stuck up at three public places in Clark county. After the first election the treasurer and secretary shall be chosen by the directors. All vacancies in the directory shall be filled by the directors.

§ 6. The company may acquire, by purchase, relinquishment, gift, deed, or writ of *ad quod damnum*, the right of way for the road upon the route adopted by the directors, and ground for toll-houses, not exceeding an acre for each, and such rock, timber, and quarries as may be necessary to construct and keep up said road, agreeing to pay and paying a reasonable compensation therefor. The road shall

not exceed sixty feet in width, and the grade shall not exceed four degrees in steepness.

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§ 7. When five miles of said road are completed, the president and directors shall have power to erect a toll-gate and collect toll from all persons traveling said road. The rates of toll shall be fixed by the president and directors, but shall be so fixed as that the tolls collected shall not, in any one year, exceed those prescribed by the Revised Statutes. The president and directors may, upon the completion of five miles of said road, erect two gates thereon, if they prefer so to do, but shall only charge half toll at each gate.

§ 8. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1392.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to provide for paying the arrearages of pay due deceased soldiers,' approved February 15, 1866."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to which this is an amendment, be construed to embrace the case of Robert M. Warder, Co. "E," 30th Kentucky Volunteer Infantry; and that the Adjutant General be directed to audit his claim against the State for pay under said act, and certify the same to the Auditor.

§ 2. This act to take effect from its passage.

Approved February 14, 1867.

CHAPTER 1393.

AN ACT for the benefit of the Carlisle and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the president and directors of the Carlisle and Sharpsburg turnpike road company shall have the power to exact an additional toll of from 25 to 100 per centum upon the established rate of tolls upon all freight wagons whose draught and burden exceed six thousand pounds, avoirdupois weight, and shall have the same power to enforce and receive such additional tolls as they now have to collect and enforce their regular tolls.

Approved February 14, 1867.

1867.

CHAPTER 1394.

AN ACT for the benefit of H. O. Maraman and his Associates, of Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry O. Maraman, and such others as he may associate with him, be, and they are hereby, authorized and empowered to construct a dam for manufacturing purposes, not exceeding ten feet in height, over Salt river, in Bullitt county, opposite to the property in the town of Shepherdsville, owned by Ratliffe's heirs, or between the same and that owned by E. H. McCormick: *Provided*, That before doing so, the said Maraman and his associates shall procure the title to the banks of said river, abutting on each side, and shall further give bond, with sureties, in the Bullitt county court, that they will establish and keep up a ferry at the crossing of said river, at Shepherdsville: *And provided further*, That the said Maraman, before he erects said dam, shall enter into bond, with good security, to be approved by the Bullitt county court, payable to the Commonwealth, conditioned that he will pay all damages which may accrue to individuals occasioned by the erection of said dam.

§ 2. This act shall take effect from its passage.

Approved February 14, 1867.

CHAPTER 1395.

AN ACT to amend an act, entitled "An act for the benefit of the Town of Barbourville, and other purposes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees shall have power and authority to impose a tax upon auction sales of others than residents of said county, and upon shows and exhibitions of all sorts within said town, in any sum they may deem proper; and shall have the right to tax, and the exclusive right to license, all taverns, groceries, coffee-houses, victualers, confectioners, retailer of spirituous liquors, alleys for nine or ten pins, and all other houses of public resort in said town, except gambling-houses, and fix the tax for the same in any sum not exceeding one hundred dollars per annum; and to discontinue any of said license at pleasure; provided that the trustees shall pay to the trustee of the jury fund for said county the sum of ten dollars for each tavern license granted in said town each year: *Provided*, That nothing in this section shall be so construed as to authorize any person in said town to carry on business under a license from the town unless he shall also have procured a

license from the county court of said county in cases where, by the existing laws, such a license from the county court is required.

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§ 2. That any law coming in conflict with the first section of this act is hereby repealed.

§ 3. This act to be in force from and after its passage.

Approved February 14, 1867.

CHAPTER 1396.

AN ACT to incorporate the Warfield Coal and Salt Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Robert N. Hughes, Thomas L. Preston, Cyrus H. McCormick, J. A. Barrett, Chas. S. Canington, and Jno. N. Johnston, and their associates and successors, or a majority of them, be, and the same are hereby, created a body-politic, by the name, style, and title of the Warfield Coal and Salt Company, and by such name and title shall have perpetual succession; and shall be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, and of granting and receiving, in its corporate name, property, real, personal, and mixed, and of holding and of improving lands in the State of Kentucky, and to obtain therefrom any and all iron, lead, coal, salt, minerals, and all other valuable substances, whether by working and opening, leasing, or disposing privileges to work; and to manufacture, said products of said lands or other property whatever, acquired by said company; and mine or sell such lands, or any part thereof; and to erect houses, and such other buildings, machinery, machines, or works as may appertain to their business; and to use, let, sell, lease, or work the same, and to dispose of the products of all such lands, factories, machines, mines, and works as they may deem proper.

Corporators' names, and corporate powers.

§ 2. That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to, or repeal, at their pleasure: *Provided*, That such by-laws shall not be contrary to the constitution of this State or the provisions of this act; and to adopt a common seal, and the same to alter at pleasure; and to issue certificates of stock and bonds in such form and subject to such regulations as they may, from time to time, by their by-laws, prescribe; and to regulate and

May make by-laws, &c.

1867. prescribe in what manner and form their contracts and obligations shall be executed.

Directors to be elected.

§ 3. That the corporators named in this act, or a majority of them, shall elect persons to serve as directors, a majority of whom shall constitute a quorum for the transaction of all business embraced in the provisions of this act, and shall hold their offices until their successors shall have been elected in accordance with the by-laws.

May establish offices.

§ 4. That it shall be lawful for said company to establish the necessary offices for the business of the company wherever their business is located, and to have their principal office in Louisville, or at such other place as they may deem expedient; at which place it shall be lawful to hold all meetings for the transaction of the business of the company.

May change name of company.

§ 5. That the stockholders of said company be, and they are hereby, authorized to change the name and title of the said company; which change shall be valid after the filing of a certificate in the office of the Secretary of the Commonwealth, signed by the president, and attested by the seal of the said company.

How may vote on stock.

§ 6. That in all general meetings of the company, the stockholders present, in person or by proxy, shall be entitled to a vote on each share of their stock; and that no liability shall attach to the stockholders of said company as such, except to the extent of their interest respectively in the same.

Capital stock.

§ 7. That the capital stock of said company shall not exceed two millions of dollars. Said capital may be increased to the limit aforesaid, from time to time, by the directors of said company; and that the number of acres of land held by said company shall not exceed sixty thousand acres.

§ 8. This act shall be in force from its passage, subject to repeal, modification, or alteration, at the pleasure of the Legislature.

Approved February 14, 1867.

CHAPTER 1397.

AN ACT to Incorporate the Seventh Street Market-house, in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Ainslie, John Christopher, William E. Glover, John L. Hikes, and William A. Ronald, of the city of Louisville, and their associates and successors, shall be, and they are hereby declared to be, a body-politic or corporate, by the name of the Seventh Street Market-house,

and in that name shall be capable in law of suing and being sued; to have a common seal, and the same to alter or renew at pleasure; to have, hold, enjoy, and take in fee, or upon ground rent, any real or personal estate as may be deemed necessary, or may purchase and hold any such estate now erected as will be necessary for a public market in the city of Louisville, with full power at any time to sell or mortgage the same.

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§ 2. That the capital of said company shall not exceed one hundred thousand dollars, divided into shares of one hundred dollars each; said corporation shall have power to issue for the same, and the same shall be evidenced by certificates issued, agreeable to the by-laws of said corporation; and said corporation shall have power to make such by-laws as shall be deemed necessary for the proper regulations of the affairs of said corporation, not in conflict with the constitution of the United States and the constitution and laws of Kentucky.

§ 3. For the purpose of subscribing said stock, said incorporation may, at any time, or any three of them, open books for the same, and may keep the same open as they shall deem proper, until the full amount of stock is taken and subscribed; but said corporation shall be in full force and free to act as soon as twenty-five thousand dollars is subscribed.

§ 4. Said incorporators shall be the directors and managers of said incorporation until their regular annual election, which shall take place on the first Tuesday in January in each year; and when so elected, shall hold their office until their successors are elected and qualified. Said incorporation or directors shall elect or appoint such officers or agents as shall be designated in their by-laws, and may require of them bonds for the faithful performance of their duties.

§ 5. If from any cause a vacancy shall occur in the board of directors, the remaining directors shall have power to fill the vacancy until the next regular election.

§ 6. That this act shall take effect and be in force, from and after the date of its passage, for thirty years.

Approved February 15, 1867.

CHAPTER 1398.

AN ACT to incorporate the Philharmonic Society, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David P. Faulds, Alexander D. Miles, James Edmunds, Harry Bishop, Charles C. Hull, and their associates and successors, be, and they are hereby, created a

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body corporate and politic, under the name and style of "The Philharmonic Society of Louisville;" and under that name and style may contract and be contracted with, may sue and be sued, plead and be impleaded, answer and be answered, in any court in this Commonwealth; may purchase and hold such real and personal estate as may be necessary for the purposes of said society; and may receive or hold any kind of property, by devise or gift, not exceeding a capital of two hundred and fifty thousand dollars.

§ 2. The business of the society shall be transacted under the direction of a board of managers, which shall consist of nine active members of the society, including the president and secretary of the society, who shall be *ex-officio* members of the board. The board of managers shall be elected annually, at a regular meeting of the society, of which public notice shall have been given at a previous regular meeting; and they shall hold office until their successors are elected and qualified.

§ 3. The approval of a majority of the board of managers, which approval shall be certified by the president and secretary, shall be necessary to the validity of any order or resolution acted upon by the board. No purchases shall be made, and no debts shall be incurred, except by order of the board of managers. No money shall be paid by the treasurer, except by order of the board, upon a warrant drawn by the secretary and countersigned by the president.

§ 4. Said society shall have the right to elect all such other officers as it may deem proper, to hold their offices for such time as may be prescribed, and until their successors are elected and qualified; and to prescribe the qualifications for membership in their said society; and to make and ordain any and all such constitution, by-laws, and regulations for the lawful government of their said society as may be deemed proper for its objects, not inconsistent with the constitution and laws of the United States or of the State of Kentucky.

§ 5. Said society shall have power to levy and collect such fees for membership, and such stated dues thereafter to be paid by its members, and at such times of payment, as may be fixed by its constitution or by-laws; and shall also have the right to prescribe its own mode of paying out its surplus funds, or to invest the same in such other manner as it may deem profitable, but not to exercise banking privileges.

§ 6. Said society shall have the right to take of its officers or agents such bonds for the faithful performance of duty as it may deem necessary for the security of its funds or property.

§ 7. The Legislature reserves the right to alter, amend, modify, or repeal this act.

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§ 8. Said society is created for the purpose of cultivating among its members vocal and instrumental music, by private or public entertainments and exhibitions, and is not to engage in any other object whatever.

§ 9. This act shall take effect from and after its passage.

Approved February 15, 1867.

CHAPTER 1399.

AN ACT to make Nannie J. Everett the heir-at-law of Joshua Talbott.

WHEREAS, Joshua Talbott, of Scott county, desires to adopt Nannie J. Everett as his legal heir; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Nannie J. Everett, the wife of George C. Everett, of Montgomery county, Kentucky, be, and she is hereby declared to be, the heir-at-law of Joshua Talbott, of Scott county; and she may, as the heir-at-law of said Talbott, inherit any property, real or personal, of which he may die the owner.

§ 2. This act shall take effect from its passage.

Approved February 15, 1867.

CHAPTER 1400.

AN ACT to amend the Charter of Jamestown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled "An act to incorporate the town of Jamestown, in Russell county," be amended as follows, to-wit: The election for trustees and other officers of said town shall be held on the fourth Monday in January in each year, instead of the first Monday in April; and the officers who held the election in the year 1866 shall hold the election herein provided on the fourth Monday in January, 1867, for which they shall be paid the usual amount for such services out of the treasury of said corporation. If for any cause the election should not be held at the time fixed in this act, it may be held at any other time, five days' notice being first given to the citizens of the town and to the officers of the election by the county attorney, or by two of the citizens of the town.

§ 2. This act to take effect from its passage.

Approved February 15, 1867.

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CHAPTER 1401.

AN ACT to amend an act, entitled "An act to divide Poosey Precinct, in Madison County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line dividing Foxtown and Million's precinct, in Madison county, be so changed as to make Tate's creek turnpike the line, instead of Tate's creek.

§ 2. This act to be in effect from and after its passage.

Approved February 15, 1867.

CHAPTER 1402.

AN ACT to declare the Kentucky Statesman, printed at Lexington, an authorized newspaper in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Statesman, printed in Lexington, Kentucky, be, and the same is hereby, declared a duly authorized newspaper.

§ 2. To take effect from and after its passage.

Approved February 15, 1867.

CHAPTER 1403.

AN ACT for the benefit of H. F. Bowen, late Sheriff of Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hiram F. Bowen, late sheriff of Kenton, be, and he is hereby, allowed until the third Monday in April, 1867, to return his delinquent list to the Kenton county court: *Provided*, That this bill shall only apply to the collection of the State revenue.

§ 2. That this act take effect from and after its passage.

Approved February 15, 1867.

CHAPTER 1404.

AN ACT for the benefit of Young E. Hurt, late Sheriff of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until the first of March, 1867, be allowed Young E. Hurt, late sheriff of Adair county, to return his delinquent list for the year 1866.

§ 2. That the further time of two years from this date be allowed said Hurt, late sheriff of Adair county, to collect

taxes and fee bills due him for the years 1865 and 1866 : 1867.
Provided, That the securities of said sheriff file their written consent to the provisions of this act in the county court of Adair county.

§ 3. This act to take effect from the date of its passage.

Approved February 15, 1867.

CHAPTER 1405.

AN ACT to incorporate the Eminence and Bethlehem Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Eminence and Bethlehem Turnpike Road Company, for the purpose of making a turnpike road from Eminence, in Henry county, to Bethlehem, in Henry county.

§ 2. The capital stock of said company shall be sixteen thousand dollars for the present, to be divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened by, or under the direction of, J. P. Hill, Albert Rees, G. W. Rowland, E. D. Jones, G. King, and D. N. Porter, who are hereby appointed commissioners for said purpose, with power to adopt and carry out such measures as will best secure the object of the company, at such time and place as they, or a majority of them, shall deem proper. When a sum of not less than twelve thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this section to give notice in such manner as they may think proper for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing seven directors. One vote shall be allowed for each share of stock in all general meetings of the stockholders. The seven directors thus chosen shall elect a president from one of their own number; and the president and directors so elected shall continue in office one year, or until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the president and directors; and a majority of the board of seven shall be necessary to transact business.

§ 4. So soon as said company is thus organized, the president and directors shall be a body-politic and corporate, under the name and style of the Eminence and Bethlehem Turnpike Road Company; and by that name shall have perpetual succession, with all the privileges and franchises usually granted to similar corporations, gener-

1867. ally to do every and any act, matter or thing, which other corporations are allowed to do, for the promotion of its best interests.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with gravel and stone, and may fix rates of toll, and change and alter same at their option; provided, the said rates shall not exceed the rates now fixed by the Revised Statutes. After four miles of said road shall have been made, the president and directors shall erect a gate at some eligible point on the road, and collect toll, and apply the proceeds thereof to the completion of the road between Eminence and Bethlehem. And when seven miles of said road shall have been completed, they may advance their rates of toll at their option, if they believe it to be for the best interests of the company, and not unjust to the public interests to be accommodated.

§ 6. When the said road shall have been completed from Eminence to Bethlehem, the president and directors may, at any future time, extend the same in the direction of, and as far as the mouth of Drennon's creek, and in the direction of, and as far as, the town of Lockport, on the Kentucky river, or to any intermediate points in the direction of either: *Provided*, The said president and directors shall agree upon the terms and conditions of any such extension, and notify the stockholders each, by mail or by advertisement in the most accessible and convenient newspaper, of such agreement; and that thirty days after such notification the stockholders shall, in general meeting, ratify said agreement.

§ 7. The president and directors, with their surveyors, engineers, superintendents, workmen, and all other necessary employees, are hereby authorized and empowered to enter upon the lands and inclosures, through and near which the intended road may pass, to survey and examine the ground most proper for that purpose; to examine beds and quarries of stone, gravel, and other materials necessary to the construction of the road. They shall also, when the route is located, agree with the owners of lands as to the terms on which the rights of way shall be given; and if no satisfactory agreement can be made with any owner of land as to the right of way, the president and directors shall apply to the county court of Henry county for a writ of *ad quod damnum*, to assess the damages which may be sustained by said unsatisfied owner of land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open

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and make said road, and to control and use all materials upon such land necessary to the construction or repair of said road. But should it be necessary to prosecute the work of constructing the road during the cropping season, and the owners of lands through which the road passes be greatly embarrassed for want of time and labor necessary to the fencing out of the lands on which the road is located as the property of the company, then any owner of such lands may construct convenient temporary gateways through his inclosures for the accommodation of the company, its officers and employees: *Provided*, That such privilege shall not be extended longer than to the first day of October following next after the organization of this company.

§ 8. The president shall give notice, in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment of same; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after the same is due, such stockholder shall, in addition to the amount so called for, pay at the rate of six per cent. per annum on the amount due and unpaid; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares of stock to the corporation, together with all the money he shall have paid thereon; and the president shall proceed, after ten days' notice duly given to said delinquent subscriber by mail, to sell, in such manner as he may deem most expedient, the said subscriber's forfeited stock, and shall appropriate the proceeds thereof to the benefit of the treasury of the company; and no subscriber shall be entitled to vote at any election or to any other rights of a stockholder, whose subscription money, or any installment thereof, shall be due and unpaid thirty days after notice of the president's call shall have been made for the payment of same.

§ 9. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, with such compensations as may be agreed upon, who shall hold their offices until their successors shall be appointed and qualified; the treasurer shall, before entering on the duties of his office, give bond and surety, in such penalty as the president and directors may require, payable to them, conditioned to pay over any money in his hands to the order of said president and directors, belonging to the company.

§ 10. That if any person shall go around or turn off from said road, with the intent to evade the payment of toll, as [fixed] by the president and directors aforesaid, he

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or they shall, on conviction thereof, before a justice of the peace, be fined five dollars, to be collected as other sums under the jurisdiction of the justices of the peace of this Commonwealth. All county roads running within one mile parallel with said turnpike road shall be closed up and discontinued, by order of the Henry county court, as soon as four miles of said turnpike road is finished.

§ 11. Any subscriber to the stock of said company, to the amount of five hundred dollars, shall, as soon as the whole is paid in, have the privilege of travel, toll-free, for himself only, on said pike-road; and any subscriber to the same, to the amount of one thousand dollars, shall, on similar conditions, have the same privilege of travel for all the actual members of his family; and any subscriber to the same, to the amount of two thousand dollars, shall, on similar conditions, have, in addition to the privilege of free passage for travel to all the members of his family, also the privilege of hauling in wagons, carts, or other vehicles of draught, the actual products and supplies of his own farm, premises, household, or family; but such rights and privileges shall not be transferable; and should the conditions of the same be violated at any time by any such privileged party, the president and directors, on full and satisfactory evidence of such violation, may suspend or withdraw the said privileges from the offending party until such time as they deem it prudent and proper to restore the same.

§ 12. The entire width of said road shall be not less than thirty-five, nor more than forty feet, at the option of the president and directors.

§ 13. The president and directors may adopt any by-laws and measures, not in conflict with the terms of this charter nor the laws of Kentucky, which may be necessary to carry out the objects of this company.

§ 14. The president and directors may agree and contract with owners of land, and other persons, for the use of quarries or beds of stone or gravel, or supplies of any other materials necessary to be used in the construction of said road; but if no satisfactory agreement can be made between the parties, the said president and directors may apply to the county court of Henry county for a writ of *ad quod damnum* to assess the damages which owners of property may sustain, the jury taking into consideration the advantages and disadvantages of the road to the party claiming damages, jointly with the injuries sustained by him in the use of his property; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to appropriate and use such condemned property at their discretion.

§ 15. This act shall take effect from its passage.

Approved February 15, 1867.

CHAPTER 1406.

1867.

AN ACT to discontinue a certain Street in the Town of Catlettsburg, in Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Catlettsburg are hereby authorized and empowered to discontinue so much of the front streets between Geiger and Washington streets as laid down in the plat of Geiger's addition to the town of Catlettsburg, and in front of lots Nos. 45, 46, 47, and 48, and to annul the same as one of the public streets of said town.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1867.

CHAPTER 1408.

AN ACT to amend the Charter of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following tract of land is hereby added and made a part of the city of Newport, and subject to all the laws and regulations relating to said city, as now established, to-wit: all that tract of land beginning at the southwesterly corner of Harris and Cabot streets, of said city; thence with the southerly line of Harris street, extended south fifty, west two thousand feet, more or less, to Licking river; thence with said Licking river, six hundred and sixty-one feet, more or less, to the present southerly boundary of said city; thence with said southerly boundary north fifty, east nineteen hundred and fifty-five feet, to the westerly line of Cabot street, south forty, east six hundred and fifty-four feet, to the place of beginning; containing twenty-nine and eighty one hundredths acres; being five acres of the rolling-mill property of Alexander, Swift & Co.; five acres of Samuel Walker's sub-division, and nineteen and eighty one hundredths acres belonging to the estate of General James Taylor, deceased.

§ 2. This act shall take effect from its passage.

Approved February 16, 1867.

CHAPTER 1409.

AN ACT to incorporate the Town of Slaughtersville, in Webster County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Slaughtersville, in Webster county, is hereby incorporated, the boundary of which

Boundary of town.

1867.

is as follows, to-wit: Beginning at a planted stone at A; thence south 76, west 139½ poles, to a stake; thence south 14, east 54½ poles, to a stake; thence north 76, east 139½ poles, to a stake; thence north 14, west 54½ poles, to the beginning, according to a plan of said town made by William H. Buntin, 28th December, 1865.

Trustees to be
elected.

Corporate
powers.

§ 2. There shall be three trustees elected in said town on the first day of March, 1867, at an election held by two justices of the peace for said county on that day, who shall, before they enter upon the discharge of their duty, take an oath before some other justice of the peace in said county that they will faithfully and impartially discharge the duty required by this act; that said trustees and their successors in office shall be a body-politic and corporate, and shall be known by the name and style of the "Trustees of the Town of Slaughter'sville," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of defending and being defended, in all courts in this Commonwealth.

Police judge
and town mar-
shal to be elect-
ed.

Term of office.

First election,
when held.

§ 3. There shall be elected for the town of Slaughter'sville a police judge and town marshal; and all persons residing in said town, who are qualified electors for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal; said police judge shall be elected at the same time, and hold his office for the same term, as the presiding judge of the Webster county court; and the town marshal shall be elected at the same time, and hold his office for the same term, as the sheriff of said county; the first election for police judge and town marshal shall be held in the town of Slaughter'sville on the first Monday in August, 1867, and shall hold their offices until the next regular election for presiding judge of the county court and sheriff of said county, and until their successors shall be elected and qualified.

Judge to be
commissioned.

Powers and
duties.

§ 4. Upon the presentation to the Governor of a certificate of the trustees of said town of the election of a police judge, said Governor shall issue a commission therefor. Said police judge, before he enters upon the discharge of the duties of his office, take such oath as may be required by the constitution and laws of county judges; said police judge shall have jurisdiction of all cases, criminal as well as civil and penal, which occur within the limits of said town, equal to the jurisdiction of justices of the peace in similar cases; shall have cognizance of all offenses arising under the by-laws of said town; may issue warrants, enter up judgments, and issue executions accordingly. Cases arising under the by-laws of said town shall be tried as soon as practicable. He shall hold a court for the trial of civil cases once every

three months; the time of holding shall be fixed by the Webster county court. It shall be the duty of said judge to keep a just and fair record of all his proceedings, certified copies of which shall be evidence in other courts. He shall have power to compel the attendance of witnesses as justices of the peace have, and fine persons for contempt, not exceeding five dollars.

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§ 5. That said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the improvement of the same in such manner as they may deem beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the laws and constitution of this State; they shall have power to levy and collect a tax upon the property of the citizens of said town, or any person owning property therein, not exceeding one dollar on each tithe, and fifty cents on each one hundred dollars' worth of property within the limits thereof; they shall have power to tax auctions, shows, and exhibitions for money, such sums as they, in their by-laws, may fix; and pass all such by-laws, rules and regulations, for the good government of said town as may be necessary for that purpose.

Trustees to
have power
over streets, &c.

May make
by-laws, &c.

§ 6. That upon all judgments rendered by said police judge, either party may take an appeal in the same manner as parties may appeal from the judgment of justices of the peace in similar cases.

Appeals may
be taken.

§ 7. The marshal shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions, and other demands placed in his hands to collect, and account for and pay over such sums to the person entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs or constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax as sheriffs for collecting the county levy; and in all other cases the same fees constables are allowed for like services; and said marshal shall have concurrent jurisdiction with a constable in the district in which said town is located.

Powers and
duties of mar-
shal.

§ 8. All fines and forfeitures in cases cognizable before said police judge shall be collected and paid to the treasurer of said board of trustees, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a justice of the peace for any violation of the penal laws committed within the

Fines to be
paid to town
treasurer.

1867. limits of said town, shall be in like manner paid over to the treasurer.

§ 9. All citizens of said town shall be exempt from working on roads outside said corporation.

§ 10. The trustees of said town shall have power to elect a treasurer, who shall be required to execute a bond with sufficient security for the discharge of his duty; said bond to be taken by the police judge and approved by the trustees.

Term of office,
&c., of trustees.

§ 11. That the trustees elected under this act shall hold their offices until the first Monday in August, 1868, and until their successors are elected and qualified; and on the said first Monday in August, 1868, and annually thereafter, an election for three trustees shall be held, under such rules and regulations as may be established by the ordinances or by-laws of said town.

§ 12. This act shall take effect from and after its passage.

Approved February 16, 1867.

CHAPTER 1410.

AN ACT to incorporate Cadiz Lodge, No. 159, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Wilkinson, Edward A. Slaughter, and John S. Spiceland, and their associates, be, and they are hereby, created a body corporate, by the name and style of "Cadiz Lodge, No. 159, Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. That said corporation shall have power and authority to acquire and hold real or personal estate not exceed-

ing twenty thousand dollars in value at one time; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. 1867.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 4. This act to take effect from its passage.

Approved February 16, 1867.

CHAPTER 1411.

AN ACT for the benefit of Mason Morris, Sheriff of Edmonson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mason Morris, sheriff of Edmonson county, be, and he is hereby, allowed till the 15th of June, 1867, to collect and pay into the treasury the balance of the revenue of said county for the year 1866: *Provided*, That before this act shall take effect, the said Morris' securities shall personally appear before the county court of said county, at their March term, and give their consent of record to said extension.

§ 2. This act shall take effect from first day of March next.

Approved February 16, 1867.

CHAPTER 1412.

AN ACT to amend the several acts in relation to the Town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the police court of the town of Winchester shall have jurisdiction, within the limits of Winchester and the town precinct, of civil causes of which justices of the peace have jurisdiction; and he shall hold his courts for the trial of civil actions in Winchester on the first Saturday in every month.

§ 2. The town attorney for said town shall be elected by the legal voters of said town, at the same time and place that the judge of the police court of said town is elected, and his term of office shall be the same as that of said police judge; and it shall be the duty of said attorney to give legal advice to the board of trustees of Winchester when called upon, to prosecute all persons charged with a violation of the by-laws or ordinances of said town; to institute proceedings for the enforcement and forfeiture of

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recognizances and bail bonds, and the enforcement and collection of all judgments against all offenders; and for his services in every case he shall be entitled to, as his fee, the sum of two dollars and fifty cents, which sum shall be taxed against the defendant if convicted. He shall be *ex-officio* clerk of the board of trustees of said town.

§ 3. The marshal of the police court of Winchester shall be elected by the legal voters of said town on the first Monday in June in each year, and shall hold his office until his successor be qualified according to law.

§ 4. The board of trustees of the town of Winchester are authorized to levy and impose a tax of not less than five dollars, nor more than fifty dollars, upon each and every tavern-keeper, and other vendors of spirituous, malt, and vinous liquors within the limits of said town, for each and every year a license is granted.

§ 5. Said board shall have power to grant licenses to, or withhold licenses from, all persons who may wish to sell spirituous, malt, or vinous liquors within the limits of said town; and no persons shall presume to sell such liquors in any quantities in said town without first obtaining a license from said board.

§ 6. Said board shall have power to grant licenses for coffee-houses to be kept within the limits of said town, and to charge for each of said licenses not less than ten dollars, nor more than one hundred dollars, for each and every year a license is granted.

§ 7. Any person or persons violating the fourth, fifth, or sixth sections of this act, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, to be recovered by warrant before the judge of the police court of said town.

§ 8. The licenses authorized by this act are to be issued and signed by the clerk of the board of trustees of said town, under the directions of said board; and nothing contained herein shall be construed to deprive the State treasury of any tax now imposed by law, or dispense with any license from the county court now required by law.

§ 9. The trustees of said town shall have the power to tax annually all the property and choses in action of the citizens of said town, which they are required to give in for State taxation, not exceeding twenty-five cents upon each hundred dollars thereof.

§ 10. The board of trustees of said town shall make a reasonable annual compensation to the clerk, the assessor, and collector of said board, and to the marshal of the police court of said town, and to the town attorney.

§ 11. Whenever a prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Common-

wealth of Kentucky, for the use and benefit of the trustees of Winchester, and said town shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, said town shall be liable to the officers for their costs and fees.

§ 12. This act shall be in force from its passage.

Approved February 16, 1867.

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CHAPTER 1413.

AN ACT for the benefit of Mary J. Gates, of Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward Dougherty, of Crittenden county, is hereby invested with power and authority to adopt Mary J. Gates, infant of Sarah Gates, as his legal heir, and when so adopted, the said infant shall, for all purposes, be deemed and considered the legal heir of said Edward Dougherty.

§ 2. The said Edward Dougherty shall make the adoption of said infant a matter of record in the county court of Crittenden county, which shall be evidence of the fact of such adoption in any of the courts of this Commonwealth.

§ 3. This act shall be in force from and after its passage.

Approved February 16, 1867.

CHAPTER 1414.

AN ACT for the benefit of W. H. Edwards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, allowed W. H. Edwards, administrator of the estate of Thomas C. Edwards, deceased, late sheriff of Green county, to collect taxes and fee bills due to the estate of said decedent; and that he may distrain for the same, subject to all the pains and penalties imposed by law for the collection of illegal fee bills.

§ 2. This act shall be in force from its passage.

Approved February 16, 1867.

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CHAPTER 1415.

AN ACT authorizing the Trustees of the Simpson County Seminary to dispose of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. S. Mahin, R. C. Blakey, J. L. McGoodwin, W. Green, and J. H. Bluett, trustees of the Simpson County Seminary, be, and they are hereby, authorized to sell or dispose of the lot of ground and seminary building erected thereon, situated in the town of Franklin, Simpson county, Kentucky, and conveyed by S. G. Moore and wife, by deed bearing date May the 3d, 1843; and they may sell said property publicly, and convey the same to the purchaser; and they (the trustees) are authorized to reinvest in the building of a new seminary, or for other educational purposes.

§ 2. This act to take effect from its passage.

Approved February 16, 1867.

CHAPTER 1416.

AN ACT to amend an act, entitled "An act to incorporate the Town of Sacramento, in McLean County," approved March 1st, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the town of Sacramento, in McLean county, be amended by striking out the words "within the limits of said town," in the fourth section of said act, and strike out in the fifth section of the act the words, "within said town limits."

§ 2. This act to take effect from and after its passage.

Approved February 16, 1867.

CHAPTER 1417.

AN ACT in relation to the Town of Smithland, in Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the qualified voters of the town of Smithland, in the county of Livingston, to elect a police judge and town marshal at such time as shall be designated by the trustees of said town; and they shall give ten days' notice of said election in writing; said election may be held by any two of the trustees of said town; and the police judge and marshal so elected shall

hold their offices until the next regular election, and their successors are qualified.

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§ 2. This act to be in force from its passage.

Approved February 16, 1867.

CHAPTER 1418.

AN ACT for the benefit of Joel W. Furgerson, Sheriff of Calloway County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joel W. Furgerson, sheriff of Calloway county, be allowed the further time until the 15th day of June next to pay into the treasury of the State the revenue of said county: *Provided*, The said Furgerson's securities will appear in the county court of said county, and have entered on the records of said county court their assent to the extension of the time given in this act.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1867.

CHAPTER 1419.

AN ACT for the benefit of the Counties of Pike and Floyd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be lawful for the county court clerks in the counties of Pike and Floyd to receive twenty-five cents for each order of court directing the issuing of land warrants, and fifteen cents for each copy of the same, to be paid out of the county levy.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1867.

CHAPTER 1420.

AN ACT for the benefit of John J. Dyer, late Sheriff of Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from and after the passage of this act is given to John J. Dyer, late sheriff of Trigg county, in which to collect all fees due him as sheriff of Trigg county, under the existing laws of this State.

§ 2. This act shall take effect from its passage.

Approved February 16, 1867.

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CHAPTER 1422.

AN ACT for the benefit of the heirs of Robert E. Grundy, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court for the county of Union shall have jurisdiction to make partition of the real estate descended from Robert E. Grundy, and situate in the counties of Union, Henderson, and Webster.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1867.

CHAPTER 1423.

AN ACT to authorize the town authorities of the Town of Canton, in Trigg County, to build a Prison-house, for the confinement of persons who violate the laws of said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town authorities of the town of Canton, in Trigg county, be, and they are hereby, authorized to build a prison-house or lock-up for the confinement of persons who violate the corporation laws of said town: *Provided*, That said prison-house or lock-up shall be built out of funds arising under the corporation laws of the town, and shall only be used for the safe-keeping of persons who are arrested for violations of the town laws while such persons' trials may be pending.

§ 2. This act shall take effect from its passage.

Approved February 16, 1867.

CHAPTER 1424.

AN ACT to amend the Charter of the Petersburg and Burlington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said turnpike road company be, and they are hereby, authorized to charge the following rates of toll over their road, instead of the rates now allowed by law: For every head of sheep, one half cent; for every head of hogs, one half cent; for every head of cattle, two cents; for each jack, jennet, mule, or horse led or driven, two cents; for every horse or mule and rider, five cents; for all vehicles drawn by one horse, with two passengers, ten cents; more than two passengers, fifteen cents; for all vehicles drawn by two horses,

twenty-five cents; four-wheeled vehicle, three horses, thirty cents; four-wheeled vehicle, four horses, forty cents; for each jolt-wagon, drawn by six horses, fifty cents; for each jolt-wagon, drawn by five horses, forty-five cents; for every vehicle drawn behind, one half the above charges; for each coach-stage, stage, or omnibus, having seats for six persons or more, drawn by two horses, fifty-five cents; for same as last above, drawn by four horses, sixty-five cents.

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§ 2. This act to be in force from its passage.

Approved February 16, 1867.

CHAPTER 1425.

AN ACT to incorporate the Lexington Passenger and Freight Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Bowman, John G. Allen, J. B. Payne, jr., Henry Bell, Isaac W. Scott, W. B. Emmal, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the Lexington Passenger and Freight Railroad Company; for and during the term of fifty years, with all the powers and authority incident to corporations, for purposes hereinafter mentioned.

Corporators' names.

§ 2. This corporation is hereby authorized and empowered to construct, maintain, and operate a single or double track railroad, with all necessary and convenient tracks for turnouts, side-tracks, and appendages, in the city of Lexington, over and along Main street, from Ashland to the Cemetery, with further extensions and branches on the same, or other streets in said city, in such manner and upon such terms and conditions, and with such rights and privileges, as the city council may prescribe by contract with said corporation; but said corporation shall not be liable for any baggage carried on said railroad kept in and under the care of its owner, his servant, or agent.

Corporate powers and liabilities.

§ 3. The capital stock of the Lexington Passenger and Freight railroad company shall be fifty thousand dollars, and may be increased from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Capital stock.

§ 4. The affairs of said corporation shall be managed by seven directors, one of whom shall be president, all of whom shall be stockholders. The first board of directors shall consist of the persons named in the first section of this act, who shall continue in office until their successors

Who to manage affairs of corporation.
First board of directors.

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Term of office.	any of the directors above named fail, decline, or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. They may adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of the State. Said corporators, or any of them, may open
Vacancies.	books of subscription to the capital stock of the Lexington Passenger and Freight railroad company herein incorporated; and such books of subscription may be opened and subscriptions received, at such times and places, and upon such notices thereof, as any three of said corporation may deem right and proper.
May make by-laws.	§ 5. That at every subscription of the stock to the capital stock of said Lexington Passenger and Freight railroad company, there shall be paid at the time of subscribing, to said corporators, or such agent as any three of them shall designate, ten per cent. of the amount so subscribed. And
May open books for subscription of stock.	as soon as ten thousand dollars of capital stock is subscribed, and ten per cent. thereof paid in, said corporators, or any of them, shall give notice of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office as provided herein. The board of directors may fill all vacancies in their body which may happen by death, resignation, or otherwise, and may make such calls for payment of stock as they may deem proper, but not to exceed twenty per cent. for every thirty days.
Payment of stock.	§ 6. The said corporation is further authorized to extend such railroads as they may construct under this act to any point or points within six miles from the limits of the city of Lexington; and to enable said corporation to construct any railroad authorized by this act, the said corporation is invested with the right to acquire such land or right of way, by writ of <i>ad quod damnum</i> , in the same manner that turnpike road companies are authorized by 103d chapter of the Revised Statutes of Kentucky, as may be necessary for the laying the tracks, side-tracks, turnouts, and for car sheds and stables. The said corporation is authorized and empowered to acquire and hold and convey real estate, exclusive of the tracks and rights of way, not to exceed fifty thousand dollars. The said corporation may borrow money not to exceed fifty thousand dollars, and issue bonds in sums of one hundred, five hundred, and one thousand dollars, and may pledge and mortgage the property of the corporation, including the railroad tracks, fixtures, rolling
When directors to be elected.	
Vacancies.	
Road may be extended, right of way, &c.	
May borrow money.	

stock, and all the appurtenances and real estate belonging to said corporation.

§ 7. The cars to be used upon said railroads shall be operated with animal power, the rate of speed, frequency of trips, and prices of fare and freight, shall be regulated by agreement between the directors of said corporation and the city council.

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Cars to be operated by animal power.

§ 8. The privileges granted under this charter shall cease and be void upon the failure of said corporation to organize and commence the work within one year next after the passage of this act.

Approved February 16, 1867.

CHAPTER 1426.

AN ACT authorizing the Franklin County Court to issue Bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Franklin county court be, and he is hereby, authorized and empowered to issue the bonds of the said county, to an amount not exceeding in the aggregate the sum of five thousand dollars, and in such sums as he may think proper, bearing an interest of six per cent. per annum, redeemable at any time within five years from the date of issuing, and to make sale of said bonds on the best terms he can obtain, the proceeds of which are to be applied to the payment of all claims due by said county, and remaining unpaid, for the years 1865 and 1866, after applying the net revenue receivable for county levies for those years, and the balance of said proceeds to be applied, as far as may be necessary, towards the repairing and rebuilding of the jailer's house and the offices of the clerks of the circuit and county courts of said county, lately injured by fire.

§ 2. This act to take effect from its passage.

Approved February 16, 1867.

CHAPTER 1428.

AN ACT for the benefit of Mechanics in Jessamine and Lincoln Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act providing a general mechanics' lien law for certain cities and counties," approved February 17, 1858, be so amended as to apply the provisions of said act to Jessamine and Lincoln counties.

§ 2. This act to take effect from its passage.

Approved February 16, 1867.

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CHAPTER 1431.

AN ACT for the benefit of W. S. Hodges, of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be allowed to William S. Hodges, late deputy sheriff of the county of Green, to collect taxes and fee bills due him in said county, and he is authorized to distrain for the same, under all the pains and penalties now imposed by law for the collection of illegal fee bills.

§ 2. This act shall be in force from its passage.

Approved February 16, 1867.

CHAPTER 1432.

AN ACT to incorporate the Hope Fire Company of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hope Fire Company of Frankfort is hereby declared to be an incorporated company, and by that name shall have perpetual succession, and be capable in law of contracting and being contracted with, to sue and be sued, in any of the courts of this Commonwealth; and may have and use a common seal, and may change or alter the same at pleasure.

§ 2. Said company shall have the right to purchase such fire-engines, hose, hooks and ladders, and the necessary apparatus and tools for the use and repair of the same; and when deemed necessary, may sell their engines and appurtenances, and purchase others. Said company may purchase and hold in said city as much ground as may be necessary for a convenient engine-house and place to transact business.

§ 3. That the constitution and by-laws now adopted by said company, if not inconsistent with the constitution and laws of the United States and of this State, shall be binding upon the members; but nothing contained in this act shall prevent said company from altering, amending, or abolishing the same.

§ 4. The active members of said company shall be exempt from militia duty, except in time of war, and from serving on all juries except grand juries and venires. The secretary of said company shall, on or before the 1st day of February of each year, or as soon thereafter as may be, furnish the sheriff and clerk of the circuit court of Franklin county, and marshal of the city of Frankfort, with a list of the members of said company. In the absence of said list, the statement under oath of the per-

son shall be *prima facie* evidence of his being an active fireman.

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§ 5. The said company may have power to receive from the council of said city the engines, hose, and other apparatus belonging to said city, and use and control the same, and dispose of them as herein provided. Said company may also receive donations of property, money, or other things for the purpose of keeping up and promoting the objects of a fire company, and hold the same for that purpose only; and if at any time said company shall be dissolved, every kind of property held by said company shall belong to the city of Frankfort.

§ 6. That all dues, fines, and forfeitures due to said company may be prosecuted to judgment before the quarterly court of Franklin county or the police judge of the city of Frankfort, and collected by execution as other debts are collected.

§ 7. The mayor and council of said city are hereby authorized to levy a tax annually for three years, from and after the passage of this act, of not exceeding twenty cents upon each one hundred dollars' worth of property, both real and personal, owned in said town, to be set apart and paid to said company for the purchase and repair, from time to time, of apparatus, and such other proper objects of said company.

§ 8. The county court of Franklin county is authorized to appropriate annually to said company such sum of money as a majority of the justices may agree upon, not exceeding five hundred dollars.

§ 9. The said company shall appoint a safe and discreet person to be the treasurer of said company, and require and receive of him a bond with good surety for the safe keeping of all moneys that may come to his hands, and the faithful discharge of all his duties.

§ 10. This act shall be in force from its passage.

Approved February 16, 1867.

CHAPTER 1433.

AN ACT to reduce into one, amend, and digest the acts and amendatory acts incorporating the City of Lexington.

City Incorporated.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the county of Fayette as is contained within the following bounds, to-wit: one mile from the court-house, in every direction, shall be and hereby is, declared to be a city, and the inhabitants thereof are cre-

1867. ated a body corporate and politic, with perpetual succession, by the name and style of the "City of Lexington," and as such by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

§ 2. The fiscal, prudential, and municipal concerns of said city, with the government and control thereof, shall be vested in one principal officer, to be called the mayor, and one city council, consisting of twelve persons, to be denominated the board of councilmen, who shall be elected on the first Saturday in March next, in the way they have heretofore been elected, and the councilmen shall hold their offices for three years, and until their successors shall be duly elected and qualified; but it is hereby provided, that at the first meeting of the newly elected councilmen, in March, 1867, the three councilmen from each ward shall determine amongst themselves, by lot, who shall serve one, who shall serve two, and who shall serve three years; and the members so drawing one and two years shall go out of office at the expiration of the one and two years, as though they had served their three years out; and thereafter, on the first Saturday in March of each year, one councilman shall be elected from each ward, to serve the full term of three years; and the mayor shall hold his office for one year, and until his successor shall be so elected and qualified; all of whom shall have resided in said city two years next preceding the election, and shall be citizens of this State.

Wards.

§ 3. That it shall be the duty of said mayor and councilmen, that shall be first elected under this act, to lay off the said city into four wards, for the purposes herein named, as nearly equal as possible as to number of inhabitants, improvements, and permanent boundaries, each of which wards is to be entitled to elect three councilmen, to be members of the board of councilmen. And it shall be the duty of the said mayor and councilmen, from time to time, to alter the boundaries of the wards, so as to equalize the number of inhabitants in each as high as may be; but such alteration shall not be made except on a general census of all the inhabitants being previously taken.

City Elections.

§ 4. That on the first Saturday in March in each year succeeding the first election, the free white male inhabitants over twenty-one years of age of said city, who, at

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the time being, are citizens of the State of Kentucky, and inhabitants of said city, and bona fide resided therein for the space of six calendar months previous to said election, shall meet in the wards in which they respectively reside, and vote for the councilman or councilmen, and night-watchman or night-watchmen, such ward shall be entitled to elect, and for a mayor, city attorney, treasurer, and captain of the night-watch; and it shall be the duty of the mayor and councilmen, previously elected, to cause an alphabetical list of the qualified voters in each ward to be made out ten days before the first Saturday in March in each year, and to appoint three suitable persons in each ward as inspectors of the election, and to furnish them with a list of voters, and a warrant directing them, or a majority of them, to hold the election in the same manner as other elections are held in this State. Notice of the time and place of holding the elections in the respective wards shall be published in one or more of the public newspapers printed in said city, with the names of the ward inspectors. The election shall be held during the same hours, to be directed by the mayor and councilmen, in all the wards. The said inspectors shall exhibit to all persons claiming the same the list of the qualified voters respectively; and, on closing the polls at the hour mentioned in their warrant, they shall declare the same, and the three persons having the highest number of qualified votes shall be declared as duly elected councilmen in each ward. The vote given for mayor shall be added up by the inspectors, and the poll-books shall be certified by a majority of said inspectors, and sworn to as just and true returns of the election, which oath shall be administered by the clerk of the county court, or any justice of the peace. The inspectors shall return said poll-books to the board of examiners for Fayette county within three days next after said election.

§ 5. That in the event of the death, resignation, or refusal to act, of the mayor, the councilmen shall proceed to elect one of their own number to supply his place, and the person so elected shall be the mayor of said city until a new election is had, and the mayor elected is sworn into office; and the mayor and the councilmen shall immediately proceed to order another election, to supply such vacancy for the residue of the time, as in the original election of said mayor; and in the like event of one or more councilmen, the board shall direct a new election in the ward or wards in which the vacancy shall happen; and, in case of a vacancy in either of the other offices hereinbefore directed to be elected, the mayor and councilmen shall fill the same by appointment for the remainder of the year.

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§ 6. The board of examiners shall meet at the office of the county clerk of Fayette county, as soon as said poll-books shall have been returned, and if not sooner returned, at farthest in three days after the first Saturday in March, and there compare and examine said poll-books, and give duplicate certificates of election to the persons receiving the highest number of votes for any of said city offices. Upon the issue of said certificates, the persons receiving the same shall, on the first Thursday thereafter, enter upon the duties of their respective offices.

MAYOR AND COUNCIL.

Organization of Board and Mode of Proceeding.

§ 7. That the mayor and councilmen and said other officers of said city, shall enter on the duties of their respective offices on the Thursday succeeding the first Saturday in March, in the year in which they are elected; and before entering on the duty of their respective offices, shall each take the oath prescribed for officers by the constitution of Kentucky, which oath may be administered to the mayor elect by any judge of any court of record in this Commonwealth, or by any justice of the peace of Fayette county; and the mayor, after he is sworn into office, shall administer the said oath to each of the councilmen and said other officers, or the same may be administered by any justice of the peace for Fayette county, and an entry shall be made on the records of the board that said oaths have been duly administered.

§ 8. That the mayor and councilmen thus chosen and qualified shall form one board, and shall sit and act together as one body; and at all meetings the mayor, if present, shall preside; but in his absence the board may elect a chairman for the time being. The said board shall choose a clerk, who shall be sworn to the faithful discharge of the duties of his office, which he shall hold for one year, and until another shall succeed him, removable, however, at the pleasure of the board, and shall be denominated "the clerk of the city," whose duty it shall be to keep a journal of the proceedings of the board, to sign all warrants issued by them, and to do all acts in his said capacity that may be reasonably required of him, and to deliver over all papers and books intrusted to him to his successor in office, immediately on such successor being chosen and qualified, or whenever he shall be thereto required by the mayor and councilmen. In all meetings of the board, six councilmen with the mayor, or in the absence of the mayor, seven councilmen, shall constitute a quorum to do business; but in cases of levying the taxes, or in the election of any officer of the city government, or the passing of any by-law or ordinance, seven

councilmen shall concur, or when six councilmen shall be found voting in the affirmative, the mayor may be called upon to vote, and in case of his voting in the affirmative, the measure shall prevail. The board shall meet in some public place, to be provided for that purpose, and their deliberations and acts shall be public.

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STREETS.

Opening of.

§ 9. That the mayor and councilmen may receive conveyances, or the consent, in writing, of the proprietors of lots of land within the city, for the purpose of locating new streets or alleys, or extending any of the streets or alleys of said city to the limits thereof; and on receiving the same may direct such streets or alleys to be extended or opened; and when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said city extended in part, or to the limits thereof, to petition the Fayette circuit court, or the Lexington city court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner to appear on some convenient day of that, or some subsequent term, to show cause why such street or alley should not be opened or extended, which summons shall be executed; or the return of no inhabitant or known agent, and no one appearing, the court shall enter up a warning order against such non-resident owner, and appoint an attorney to defend for such owner, and proceed in the same manner as now provided by the Civil Code of Practice in cases on such owner, if in the county, if not, on his agent, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for opening roads, and on the return of the writ executed, the court shall order the mayor and councilmen to pay the damage assessed, and shall order the street or alley to be opened or extended. The mayor and councilmen shall have full power and authority to cause all streets or alleys to be opened and cleared of all obstructions, by the infliction of suitable fines and penalties: *Provided, however,* That the mayor and council of said city shall have power at any time, before the final decree or order, to dismiss their petition, which shall not prevent

1867. their again instituting proceedings for opening such street or alley at any time after one year from said dismissal.

Paving and Turnpiking of.

§ 10. That the mayor and councilmen shall have full power and authority to cause and procure all the streets and alleys in said city now established, or hereafter to be established, to be paved or turnpiked at the cost and expense of the lot-owners fronting such streets or alleys; and a petition in writing of the owner or owners of a greater part of the ground fronting on any square shall be sufficient to authorize a contract for the paving or turnpiking the street or alley in such square: *Provided, however,* That the mayor and councilmen, by their unanimous consent in council, may cause any street or alley in any square in said city to be paved or turnpiked, at the cost and expense of the owners of lots or parts of lots fronting such street or alley, without any petition or consent; and when the paving or turnpiking shall be completed, they shall apportion the costs and expenses equally on the lot-holders, and a lien is hereby given on the lots and parts of lots for the same, which costs and expenses may be listed and collected as other taxes, by the city collector, who shall have authority to sell and convey the lots and parts of lots for the same under the by-laws and regulations of the mayor and councilmen: *Provided, also, however,* That the owner of any lot, or part of a lot, sold for paving or turnpiking, who has not consented in writing for that purpose, shall have five years to redeem the same, on paying the purchase money, with ten per centum interest per annum, with all the taxes and levies that may have subsequently accrued; and those who have consented in writing may redeem it at any time within one year, on the payment of the like interest: *Provided,* That infants shall have one year after arriving at full age, on like terms.

Sidewalks Paved and Curbed, and Streets Graded.

§ 11. That the mayor and councilmen shall have power and authority to cause and procure the sidewalks to be curbed and paved with stone or brick, and to apportion the costs and expenses on the owners of lots fronting thereon, and a lien is given on the lots for the same; and the mayor and councilmen shall have the like authority and power to cause and procure the streets and alleys now established, or hereafter to be established, within said city, to be filled, leveled, and graduated for the purpose of carrying off the water, or preparatory for paving or turnpiking, at the cost and expense of the lot-owners fronting the same, and a lien is hereby given on the lots, and parts of lots, for such costs and expense; and the costs and expense accruing under the provisions of this section shall

be listed and collected in like manner as that of paving and turnpiking, and the collector shall have the like authority to sell and convey the same, as is provided for in the previous section, and subject to redemption in one year from the day of sale; and in cases of infants, in one year after they arrive at full age, by paying ten per centum interest thereon.

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What—when Streets already Paved, &c.

That if any part of a street, alley, or sidewalk, in any square, shall have been paved at the expense of any one or more owner or owners of lots in said square, before such order shall have been made, he, she, or they shall not be required to pay anything, unless his, her, or their portion of costs and expenses of grading, paving, or turnpiking, assessed as above provided, and including that already paved, shall exceed the amount of costs and expenses by them paid or incurred for the part so paved: *Provided, however,* That nothing herein contained shall prevent the mayor and council requiring sidewalks to be repaved at the expense of the owner of the lot fronting such sidewalk.

TAXATION.

General Power.

§ 12. That the said mayor and councilmen shall have the power and authority to assess, levy, and collect taxes on such real and personal estate as they may designate; but such taxation shall be uniform on every description of property assessed.

Assessor and Assessment.

§ 13. The city assessor may, with the advice and consent of the board of councilmen, appoint an assistant, if deemed necessary, and shall take in a list of all the taxable inhabitants within said city, separately in each ward, and affix against each the amount of his, her, or their real estate within said city; and also the true and just value of such personal estate of each of said inhabitants, whether in goods, stocks, manufactories, or other property that may be designated for taxation by the said mayor and councilmen, which list shall be made on the oath of the party, or if the party refuse to give in a list, and swear to the same, the amount shall be assessed from the best information such assessor possesses; and in each of the several wards of the said city, the said list shall be extended to include all free males over twenty-one years of age; taverns, groceries, victualers, retailers, and confectioners and houses of public resort, except gaming-houses and houses of ill-fame; hacks, drays, carts, wagons, and porters plying in said city for hire; and when said lists shall be completed and returned to the board of mayor and councilmen, they

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shall give a reasonable notice that any inhabitant of said city may examine the same, that if any one should feel aggrieved thereby in an excess of valuation, application may be made to the mayor and councilmen, and on proof being made to their satisfaction, the valuation may be changed: *Provided*, The application is made within the time which may be prescribed by them, after which time no abatement or change shall be made. The mayor and councilmen shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to the board by the mayor: *Provided*, The same shall not exceed fifty-five cents on each hundred dollars for such valuation; and for the general expenses of said city government, such as the police salaries, the support of the poor, and all charges for the well ordering and governing of said city throughout, the estimate shall be presented by the mayor.

Licenses and Specific Taxes.

§ 14. They shall also have power and authority to cause all stores within the city to be rated—first, second, third, and fourth rate; levy and collect a tax on each not exceeding one hundred dollars per year; and when stores are taxed according to their rate, the goods therein shall not be valued and included in the assessments of property for taxation; it being hereby intended to give to said mayor and council the right either to rate the stores, groceries, &c., or make them pay the *ad valorem* tax assessed, as upon other property; but in the event of the council determining to tax said stores, groceries, &c., by rates, then they shall likewise be assessed as other property for the purpose of ascertaining and enforcing the payment of the fire-tax, not exceeding ten cents on the one hundred dollars, provided for in this charter. Said mayor and council shall likewise have power, by ordinance, to provide for the taxing or rating of any store, grocery, &c., which may be commenced or opened at any time subsequent to the day fixed for the annual assessment, and all itinerant merchants or venders: *Provided*, That in no case shall the tax levied upon such be less than the ratable amount (as compared with the other assessment), in proportion to the time the same is kept open. Said mayor and councilmen shall also have the right to tax auctioneers in said city (in addition to the tax now imposed by law), not exceeding one per cent. upon all public and private sales of goods, wares, or merchandise, not the produce or manufacture of Kentucky; and to require them to take out licenses, with such restrictions and requisitions as may be necessary to enforce said tax; but no tax shall be required for sales of decedents by executors, administrators, or curators.

§ 15. That it shall and may be lawful for the mayor and council of the city of Lexington to pass such ordinance or

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ordinances as may by the said mayor and council be deemed expedient for imposing and collecting a tax upon playing cards retailed in said city, to be applied in lessening the expenses of said city: *Provided*, The same shall not exceed fifty cents on the deck or pack.

§ 16. They shall also have the right to tax, and the exclusive right to license, all taverns, houses of private entertainment, grocers, victualers, confectioners, retailers, and houses of public resort, except gambling-houses, or houses of ill-fame, within said city; but tavern-keepers shall also be liable to pay the revenue tax of ten dollars; but no license shall be granted whereby spirituous liquors may be retailed, upon the payment of a less sum than one hundred dollars.

§ 17. They shall also have the right to license and tax all exchange or brokers' offices within the said city, in any sum not exceeding one hundred dollars.

§ 18. They shall also have the right to license, tax, and regulate all carts, wagons, drays, hackney coaches, and porters, which may be plying in said city for hire. They shall also have power, whenever in their opinion the interests of said city shall require it, to levy and collect taxes on dogs and other domestic animals, in any sum not exceeding ten dollars on each dog or other animal.

§ 19. They shall have the right to tax and license all shows, exhibitions, performances, lectures, or concerts, given, made, or exhibited for money or property within the city of Lexington, and may prohibit them until a license be obtained: *Provided*, That lectures by resident professors shall not be subject to taxation.

§ 20. A tax shall be levied on each free male inhabitant of 21 years of age and upwards, except paupers inhabiting said city, at a ratio not exceeding one dollar and fifty cents each.

§ 21. That the mayor and council of the city of Lexington shall be, and they are hereby, authorized to require all insurance companies, and agents of insurance companies doing business as such, within the limits of said city, and also all lottery offices and agencies within the limits of said city, to take out license; and they are authorized to prescribe, by ordinance, the terms on which such licenses shall be granted, and to require the same to be renewed annually; and may demand and receive for each license so issued a sum not exceeding one hundred dollars; and no insurance company, or agent of an insurance company, whether chartered by the State of Kentucky or not, shall insure, or consent to insure, any property, either in or without the limits of said city, or make insurance on lives, or grant, or issue, or deliver, any policy of

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fire, life, or marine insurance, or in anywise do business as an insurance office, or agent of an insurance office, without first obtaining from said mayor and council an annual license therefor; nor shall they do so after the expiration of their license, without renewing the same from time to time; nor shall the owner, agent, or keeper of any lottery office, sell lottery tickets, or draw a lottery within said city, without first obtaining from said mayor and council an annual license to do so, and renewing the same annually, so long as he or they shall continue such business. And any insurance company, or agent or officer of insurance company, or owner, agent, or keeper of a lottery office, who shall violate any of the foregoing provisions, shall forfeit and pay the sum of three hundred dollars, to be recovered by indictment or presentment in the Lexington city court, for the use and benefit of said city.

§ 22. That hereafter the mayor and council of the city of Lexington shall have power to grant licenses for billiard tables and Jenny Lind tables, to be kept in said city; and the license on the same shall be any sum not exceeding fifty dollars for each table so licensed.

§ 23. The council may charge for licenses for bowling alleys not less than thirty nor more than two hundred dollars each. No license shall be granted for a longer period than one year, and before the granting or issuing of any license, the tax required therefor shall be paid into the city treasury; and no license shall be taken as granted until regularly issued; but when a license is issued, it shall bear date with the commencement of the store or other establishment, or business or thing licensed; or, if a renewal of license, shall be dated from the day of the expiration of the previous license. No license shall be transferred for a less time than six months.

Payers of Treasurer.

§ 24. The mayor and board of councilmen shall have power to provide, by law, that tax-payers shall receive credit for the amount of the usual collector's commission for collecting taxes, upon the payment of their taxes to the Treasurer by a day to be fixed by ordinance, and that taxes shall bear interest from and after such day.

Collector.

§ 25. When the said taxes shall be made out and fixed as herein provided, or the day for paying the same to the treasurer shall have passed, if any such be fixed, bills shall be placed in the hands of a collector or collectors, to be appointed by the mayor and councilmen, with their warrant to collect the same. The power of the collector or collectors of the city tax shall be the same as the distaining, advertising, and selling property, as may, from

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time to time, be granted by law to the sheriff in the collection of the State revenue and county levy; and for failure to pay taxes on real estate, the same remedies by damages and interest, by sale of the real estate, shall exist as in the collection of the State revenue, except that all persons may purchase at said sales; and that it shall be the duty of the collector to make all returns to the mayor and board of councilmen, which, in the sale of lands for the State revenue, the sheriff is required to make to the Auditor of the Commonwealth; and that the mayor and board of councilmen shall perform all the duties and have all the powers to make sales of lands which are prescribed to be performed by, and are given to, the Auditor in the collection of the State revenue. Bond with good surety, in an adequate penalty, shall be taken of said collector or collectors, payable to the city of Lexington, and he or they shall be removable at the pleasure of the mayor and councilmen. The city collector and his sureties shall be liable to judgment, by motion, in the Lexington city court, for failing to collect and pay over any sums put in his hands for collection at the time stipulated, with ten per centum interest and cost; and five days' notice of such motion shall be sufficient; and there shall be no replevin or valuation of property on executions issuing on such judgments; a lien shall exist on the real estate of said collector and his sureties for the payment of all sums placed in his hands for collection.

§ 26. That it shall be the duty of the collector of the city of Lexington to continue the collection of taxes and other city dues until his successor shall be appointed and qualified; and he must settle his accounts, from time to time, as the mayor and council shall require.

Fire Tax.

§ 27. That in addition to the taxes before provided, the mayor and council of the city of Lexington shall have the authority, in each year, to levy an additional *ad valorem* tax on the property within said city, not exceeding ten cents on each one hundred dollars of assessed property, which shall be collected in the same manner as other taxes are, by law, collected in said city; and that the fund arising there from shall be kept by the treasurer of said city distinct and separate from the other funds, and shall be expended only in discharge of debts now subsisting against said city for the purchase of fire apparatus, and providing facilities for obtaining water in time of fire, or for such other appropriations as may be made by resolutions of the mayor and board of councilmen for similar purposes.

School Tax.

§ 28. That in addition to the taxes before provided, the mayor and council of the city of Lexington shall have the

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authority, in each year, to levy an additional *ad valorem* tax of any sum not exceeding ten cents on the one hundred dollars of assessed property within said city, which shall be collected in the same manner as other taxes are by law collected in said city; and that the fund arising therefrom shall be kept by the treasurer of said city distinct and separate from the other funds, and shall be expended only under the direction and management of the board of councilmen, for the support and maintenance of the public city schools.

County Levy.

§ 29. The county levy for the county of Fayette, heretofore collected from the inhabitants within the boundaries of said city, shall be discontinued.

City Bonds.

§ 30. The mayor and councilmen shall have power to issue the bonds of the city in any amount not exceeding one hundred and fifty thousand dollars, bearing interest at the rate of six per cent. per annum, payable twenty years after date, interest payable semi-annually, which bonds may be loaned to the Big Sandy railroad company: *Provided*, Said company first expend the sum of one hundred thousand dollars on said road, between Lexington and Mt. Sterling, in addition to the work already done thereon. The proceeds arising from the sale of said bonds to be applied, so far as may be necessary, to the completion of the road from Lexington to Mt. Sterling: *Provided*, That before the mayor and councilmen shall issue said bonds, the president and directors of said Big Sandy railroad company shall execute to the city of Lexington their first mortgage on that part of the road lying between Lexington and Winchester, conditioned to pay the bonds at maturity, and the interest on the same after the first five years.

§ 31. That the mayor and councilmen shall have power to issue the bonds of the city, payable twenty years after date, to any railroad company that may hereafter be chartered to build a road from the city of Lexington, to intersect the Knoxville branch of the Louisville and Nashville railroad at or near Crab Orchard or Mt. Vernon, or between said points (said road to run through Madison county), in any sum not exceeding five thousand dollars for each mile of road completed for thirty miles: *Provided*, Said road shall first execute to the city of Lexington her first mortgage, conditioned to pay the bonds at maturity, and the interest thereon as it falls due after the first five years.

§ 32. In case the bonds of the city are ever issued, as provided for in sections 30 and 31, the mayor and council-

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men shall have power to levy and collect a tax, as other taxes are levied and collected, for the payment of the interest on said bonds for the first five years: *Provided further*, That the mayor and councilmen shall have no power to issue bonds for the foregoing purposes, unless the same has been submitted to the legal voters of said city, at some regular election; and if a majority of the votes cast are for the issuing of said bonds, then they shall be issued, as above provided; if a majority of said votes are against the issuing of said bonds, they shall not be issued.

Accounts.

§ 33. The mayor and councilmen shall, annually, publish an account of all the moneys received and paid out by their order during the year they are in office.

Borrowing Money.

§ 34. That said mayor and councilmen shall have the power to borrow money on the credit of the corporation, and pledge any of the corporation property for the redemption of the same, or to pledge any part of the future taxes of the city for the payment of the principal and interest on said loan: *Provided*, That the interest paid in no case shall exceed six per centum per annum; and that the amount of loan, at any one time, to said city, shall not exceed thirty thousand dollars.

Watchmen.

§ 35. That the said mayor and councilmen shall have the power and authority to determine that so many watchmen shall be elected, either for day or night, as in their discretion they shall judge best for the safety and advantage of the city, and such watchmen shall be conservators of the peace, and vested with power to apprehend all felons, gamblers, rioters, and breakers or disturbers of the peace, vagrants, persons of evil fame, and of riotous, disorderly conduct, and carry them, with such evidence as they may possess, before the judge of the Lexington city court, to be dealt with according to law; and if such apprehension is in the night, then to the watch-house for safe-keeping until the morning; they shall also be vested with the power and duty of patrollers.

Inspectors of Flour, Whisky, etc.

§ 36. They are authorized and empowered to appoint inspectors of flour, whisky, tobacco, beef, pork, butter, and lard for exportation, to provide against frauds thereon, and to make such by-laws as shall be needful to carry the same into effect, and to punish breaches thereof.

Health Officer and Regulations.

§ 37. They are vested with the power and authority to appoint a health officer, to establish regulations which

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may be necessary and proper to prevent the introduction of the small-pox, and to eradicate such disease when it shall have made its appearance in said city: *Provided*, That nothing herein shall be construed to give any power to establish any regulation inconsistent with the constitution and laws of the State, or to prevent the Legislature from changing, by law, any regulation which may be made by said corporation on this subject, or in relation to inspections.

Fire Department.

§ 38. They shall have the power to organize a fire department for the extinguishment of fires that may happen within said city; to provide engines and other apparatus for that purpose, and to appoint a suitable number of able-bodied men, not exceeding twenty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, during the time they are attached to said engine; the said engine-men to be appointed for any term that the mayor and councilmen shall ordain, and be discharged by them at pleasure; and the said mayor and councilmen shall make all necessary by-laws to punish any inhabitant of said city for non-attendance, or disorderly or improper conduct during the time of fire.

Wooden Buildings.

§ 39. The said board shall have power, with the concurrence of three fourths thereof, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings in any part of said city, whereby great danger may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties.

Poor and Work-houses.

§ 40. They shall have the power, and it shall be their duty, to erect and procure a suitable building or buildings for a poor-house and work-house, in which the indigent poor shall be comfortably provided for at the expense of said corporation; to be regulated and managed by suitable persons, to be appointed by the mayor and councilmen for that purpose, and in apartments distinct from the infirm and indigent. Provision shall be made for confining common beggars, vagrants, and all persons who may be sentenced for short periods of confinement by the Lexington city court, for breaches or disturbances of the peace, or for petty offenses, where they shall be employed in such labor, and made to perform such tasks as shall be directed by the ordinances of the mayor and councilmen. Persons committed to the work-house shall be sent there by warrants of the Lexington city court, and discharged

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by the overseer on the expiration of the time for which they were sentenced. A committee of the board of councilmen, or special overseers of the poor, shall be established by the board, who shall place the poor persons in the poor-house at their discretion; but the whole establishment shall be under the control and immediate care, and subject to the frequent visitation of the mayor and councilmen. All by-laws and ordinances to carry this article into effective operation, not repugnant to the laws of this State or of the United States, are to be made and enforced by said corporation.

§ 41. That the mayor and councilmen of the city of Lexington shall have authority to lease the city poor and work-house, for a period not exceeding five years at a time, upon such conditions, and with such restrictions as they may see proper to prescribe; and to contract for the keeping and maintaining of the inmates thereof; but such leasing shall not prevent the mayor and councilmen from exercising supervision over the lessee, so as to enforce a proper provision for and treatment of such inmates.

Animals Running at Large and other Nuisances.

§ 42. They shall have power, whenever the public convenience or safety may require it, to prohibit hogs, cattle, horses, and other descriptions of animals, from running at large in the streets, lanes, alleys, commons, and other public places in said city; and to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance.

Tippling-houses, etc., Suppressed.

§ 43. They shall have power to suppress, by ordinances, with suitable penalties, all tippling-houses, bawdy-houses, disorderly houses, and houses of ill-fame, all retailing of spirituous liquors without licenses, and all riots, disorders, breaches of the peace, and disturbances of the peace and tranquility of the said city.

Gunpowder.

§ 44. They shall have power to erect and procure one or more suitable buildings as powder magazines; to provide suitable carriages for the conveyance of gunpowder, and to pass by-laws to prohibit the introduction of gunpowder into said city, with penalties for breaches thereof, in addition to the forfeiture of the powder so introduced.

Playing Cards.

§ 45. They shall also have the power to impose such restrictions, by ordinance, upon the sale or other disposition of playing cards, by retail, in said city of Lexington,

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Property.

§ 46. That all the rights, privileges, and property, real and personal, and choses in action, which are now vested in, and belonging to the trustees of the town of Lexington, shall, as soon as said board of mayor and councilmen may be organized, be vested in and belong to said city of Lexington, subject to the payment of all just demands which may exist against said trustees, and for which they are responsible.

§ 47. That the title for real estate within the present town of Lexington, held in trust for others, shall be, and hereby is, vested in the mayor and councilmen of said city and their successors, subject to the like trust under which it was held by the trustees of Lexington; and, in suing the city, the writ shall run against the mayor and councilmen of the city of Lexington, and service on the mayor, or clerk, or secretary, shall be sufficient service of such process.

§ 48. The mayor and councilmen of the said city shall have power to purchase, hold, and sell real estate within the limits of said city, and also purchase, hold, and sell real estate out of the limits of said city, for the purposes of a potter's field, cemetery, and other purposes, not exceeding one hundred acres; also, to purchase, hold, and sell personal estate and stocks in incorporated companies.

By-Laws and Ordinances.

§ 49. That the mayor and councilmen shall have full power to pass all needful ordinances and by-laws for carrying into effect all the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbances of religious worship, riots, and breaches of the peace, where the penalty may be one hundred dollars.

§ 50. The validity of the city ordinances and by-laws may be tried by writ of prohibition from the judge of the Fayette circuit court, with the right of appeal to the Court of Appeals.

§ 51. Should the judge of the city court decide against the validity of any ordinance or by-law, the said decision, with the ordinance or by-law, shall, on request of the city attorney, be certified on the record; and the city of Lexington shall have the right of carrying said decision to the Court of Appeals by appeal or writ of error.

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§ 52. All penalties for violations of the ordinances and by-laws shall be sued for, by warrant, in the name of the city of Lexington, in the Lexington city court, and judgments may be given as well for the costs as the penalty.

§ 53. The mayor and councilmen shall cause all the by-laws and ordinances passed by them to be fairly recorded in the journal of their proceedings, and publish the same in one or more newspapers printed within said city.

Subordinate Officers.

§ 54. That the mayor and councilmen shall appoint or provide for the election, by the people, of all necessary subordinate officers, to carry the foregoing provisions of this act into full effect, such as overseers of the poor and work-house, and any other that may be required, and to qualify them for the faithful discharge of their several duties, and require bond and securities of them for the same; and they shall have power to pass general ordinances directing the mode and manner of summoning jurors and grand jurors for the Lexington city court.

Trustees of Lexington.

§ 55. That the mayor and councilmen shall have and possess all the powers and authority heretofore vested in the trustees of Lexington, either by the general laws of this Commonwealth, or the particular laws now in force in respect to the town of Lexington, with power and authority to adopt the by-laws and ordinances of said town, and the same to repeal, alter, and amend, as to them shall seem best, and with full power and authority to pass such by-laws and ordinances, with adequate penalties, as they shall, from time to time, deem expedient for the government of said city, and not contrary to the constitution of this State or of the United States.

Free Schools.

§ 56. The mayor and councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate to erect the necessary buildings, and to provide the revenue for their maintenance, by a tax on the ward in which said school or schools shall be established. But they may establish one city school for the entire city, and upon its being made a free school, may provide the revenue for its maintenance by a tax on the whole city.

Mayor.

§ 57. That the mayor of said city shall be the chief executive officer of said corporation, and it shall be his duty to see that all the laws and ordinances of the city shall be duly executed and put in force. It shall be his duty to see that all the officers appointed by the mayor and board

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of councilmen shall discharge their respective duties faithfully and efficiently; and upon a failure of any one of said officers so to do, the mayor shall report the delinquent to the council.

§ 58. He shall have the care and superintendence of all the public property of said city, and under the direction and with the consent of the council, he shall make all contracts on behalf of the city for public works and improvements, and see that they shall be conducted and completed according to contract.

§ 59. He shall be superintendent of the market-house, and of the city work-house and prison, and visitor of the city schools, and perform such other duties as a majority of the board of councilmen may think proper to impose upon the chief executive officer of the city.

§ 60. He shall keep the public seal of said city, and shall keep an office in some convenient place in said city; and he shall have power to administer oaths. He shall have power to summon a meeting of the board of councilmen at any time, and so often as he may deem it advisable, notwithstanding they may have adjourned to a more distant day. He shall, if present, preside at all meetings of the board, except when his own salary may be the subject of legislation; and in case of a tie on any question, he shall give the casting vote; but he shall not otherwise have a vote in the board, except in the cases hereinbefore specified.

§ 61. It shall be his duty, from time to time, to communicate to the board of councilmen all such information, and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornaments of said city.

§ 62. He shall have power, in cases of riots, mobs, and other violent infractions of law, by assemblages of persons, to call out the militia of the city in aid of the civil power in their suppression, and when so called, the same shall be under his command, and the officers of the militia bound to obey his lawful orders.

§ 63. That whenever the mayor of the city shall be advised of any assemblage of persons anywhere in the county of Fayette, for the purpose of gaming, or other unlawful objects, or where assemblages of negroes or others, for the purpose of gaming, drinking, or for any purpose not allowed by law, or where the said assemblage shall, or may be constituted partly of white and partly of black population, it shall and may be lawful for said mayor, with the power of the county (if required), to proceed to the place of such rendezvous or unlawful assemblage, with his marshal or other officer or officers, and to arrest all persons so unlawfully assembled, and forthwith to

bring them before any justice of the peace of the county, to be dealt with according to law.

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§ 64. That the mayor of said city shall have power and authority to examine witnesses under dedimuses from any court within this or any other of the United States or foreign country, and shall be entitled to receive a fee of one dollar for each witness so examined; and in all cases where he shall affix the seal of the corporation to any document, by request, he shall be entitled to receive the sum of one dollar; he shall also have power and authority to take depositions in said city, in all other cases where justices of the peace are now authorized to take the same.

§ 65. That the mayor of said city shall be compensated for his services by a salary not exceeding one thousand dollars, payable quarterly, out of the funds of the corporation, to be fixed by the board of councilmen, exclusive of the mayor, and said salary shall be exclusive of all fees which he may receive for certifying documents of a public or private nature, or for services rendered to individuals, which he may be called upon to perform or execute in his official capacity: *Provided*, That the salary of no officer shall be increased during the time for which he may have been elected or appointed.

§ 66. That the mayor shall have power, by and with the advice and consent of a majority of all the councilmen elected, at a called or stated meeting of the council, to remit any fine, penalty, or forfeiture incurred or imposed by any law or ordinance of the city, and discharge from the work-house any person therein confined. But in all cases of remission of fines or discharge from imprisonment, the same shall be made conditional on the offender paying the fees of the clerk, marshal, or other officers, and if not made so conditional, said fees shall be paid out of the city treasury.

Marshal.

§ 67. A marshal and deputy marshal shall be elected at the times and for the terms prescribed by the constitution for the office of marshal, and they shall be removable by the mayor and board of councilmen. The marshal shall, by himself or deputy, attend all the sessions of the mayor and councilmen, and of the Lexington city court, and preserve order under their or his directions. He may, by himself or deputy, execute all process emanating from the Lexington city court. He may be appointed city collector; shall also collect the fees of the judge of the Lexington city court, mayor and clerk, if required. He and his deputy shall execute bond, with sufficient surety, in an adequate penalty, before the mayor and councilmen, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of their office, and to pay over all sums

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of money that may come into their hands to the persons entitled thereto, and a lien shall exist on the land of said marshal and deputy, and sureties, from the time of executing bond, for all sums of money that shall come into their hands. He shall be entitled to receive the same fees for the like services which sheriffs are entitled to receive, and shall have the same power to collect them. He and his deputy, and all others to whom the process of the city court shall be directed and come for execution, shall be bound to execute and return the same within the time prescribed by law for sheriffs to execute and return similar process, and on their failure, they and their sureties shall be liable to the same fines and penalties that sheriffs are, as also for not paying over moneys collected on executions, and for making illegal charges for false returns and other illegal acts; and said court shall have power and jurisdiction to hear and determine motions against them and their sureties for failures, in like manner as the circuit courts have power and jurisdiction to hear and determine motions against defaulting sheriffs, or to proceed by fine and imprisonment to enforce the due execution and return of process as other courts of record: *Provided, however,* That said mayor and councilmen may abolish and hereafter create said office of deputy marshal, if they should deem it advisable, and provide by resolution for the appointment or election by the people of said deputy marshal.

§ 68. It shall be the duty of the marshal of said city to collect all fees due to the clerk of said court, when fee bills therefor shall be placed in his hands for collection, in like manner as is prescribed by law in relation to clerk's fees of circuit and county courts; and he shall receive the same compensation for receiving, collecting, and paying over said fees which is allowed sheriffs for like services; and he shall be liable to motion in the city court in case of delinquency or breach of official duty, in like manner as sheriffs are in the circuit court. And the clerk shall be liable to the same fines and penalties for illegal charges, or any other illegal acts, as the clerks of the circuit courts, to be recovered in the same manner before the Lexington city court.

City Court.

§ 69. There shall be established in said city a court, to be styled the "Lexington City Court," which shall be held by one judge, who shall receive for his services (independent of his fees of office, as provided herein) a salary of seven hundred dollars per annum, payable quarterly out of the public treasury.

§ 70. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of

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said city, and exclusive jurisdiction of all pleas of the Commonwealth arising within the limits of the city of Lexington, except cases of felony; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer the same that the circuit courts have, and the like power to enforce a compliance with the same; and as to committing criminal offenders and sending them on for trial, said court shall have the powers of two justices of the peace of Fayette county.

§ 71. Said court shall, concurrently with the Fayette circuit court, exercise the power and jurisdiction which is given herein in regard to the opening and extension of streets in said city, and shall have concurrent jurisdiction with said Fayette circuit court in all cases of idiocy and lunacy, and similar proceedings shall be had in such cases in the city court to those had in the circuit court.

§ 72. Said city court shall have jurisdiction of all cases of vagrancy arising within said city, and the justices of the peace of Fayette county are hereby required to make the recognizances of all persons charged with being vagrants within the city of Lexington, returnable to the city court instead of the circuit court, to make out a statement of the evidence and recognize the witnesses to appear at the next city court, in all respects as to the circuit court; and upon conviction of vagrancy the person shall be sentenced to labor in the city work-house for a period not less than three nor more than six months, to be ascertained by the jury; but presentment or indictment by the grand jury in the said city court may be made in all cases of vagrancy, without previous examination before a magistrate: *Provided*, That twelve men shall constitute a sufficient jury for the trial of all cases that may be tried by the city court.

§ 73. The jurisdiction of the city judge of the city of Lexington shall extend to all cases of riots, routs, or unlawful assemblies within the county of Fayette, as hereinafter provided. Whenever said judge shall be advised, or shall receive information, on oath, of any rout or unlawful assemblage of the people for the purpose of gaming, or any unlawful purpose whatever, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the sheriff or any constable of said county, or to the marshal of the city, and if no officer should be at hand to serve said warrant, then to such discreet person as he (said judge) shall appoint, returnable before some justice of the peace of the county, on which warrant it shall be the duty of the officer or other person to arrest and bring before the said justice of the peace of the county of Fayette, all persons who shall be found so assembled,

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to be dealt with by the justice according to law; and it shall be the duty of the citizens of the city and county to attend the officer or other person if they should be thereunto summoned to aid and assist in arresting the persons so found guilty of infracting the law.

§ 74. Said city court shall be holden at such place as the mayor and council shall designate; or they failing to designate a place, at such place as the judge shall select, and the judge shall have power to fix such time for the holding of his court as in his discretion the cases coming before him for trial may seem to him to require. Said court shall be a court of record, and shall have a seal, which shall be provided by the mayor and council, and shall be in the custody of the clerk of the city court, to be used and affixed by him as the seals of circuit courts are.

§ 75. It shall be the duty of the clerk of the said city court to keep a record of the proceedings of said court; to issue all original process for bringing parties before said court, and executions and precepts in its judgments; and to perform all the duties which usually pertain to the office of clerk of a court in this Commonwealth. He shall charge and receive the same fees which are allowed to the clerk of the Fayette circuit court for like services; and when he shall perform services for payment whereof no provision is made by law, he shall charge and receive such fees as shall be adjudged reasonable, and be allowed by the judge of his court. The process of said court may run into every county of this Commonwealth; and when to be executed out of the Lexington city limits, it may be directed to the sheriff of any county, who shall be entitled to the same fee for executing the same as for executing like process from the circuit courts; and the marshal and sheriffs are authorized and directed to take bail upon the execution of such process in all cases in which bail is required on like process issuing from the circuit court.

§ 76. All penalties for breaches of the ordinances and by-laws of the city shall be sued for by warrant in the name of the city, and be for its use.

§ 77. All fines in prosecutions, in the name of the Commonwealth in said court, shall be, by the mayor and board of councilmen, invested for the benefit of the public schools of Lexington, except the sum of seven hundred dollars, which shall be for the use of the city of Lexington; and in consideration of the amount so given, the city of Lexington shall annually pay into the public treasury of the State, in the month of December, the sum of seven hundred dollars, and in default of payment the city shall be liable to motion, by the Auditor, as sheriffs and other collecting officers are.

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§ 78. All persons convicted in the Lexington city court shall be confined in the city work-house at labor, until the fines assessed against them, and the costs of prosecution are discharged, at fifty cents per day, instead of being confined in jail.

§ 79. That a return of "not found" on a *capias pro fine*, and of no property found on a *fi. fa.* issued on the same judgment in the city court, shall authorize an attachment out of chancery in favor of the Commonwealth or the city against the choses in action and effects of the defendant or defendants, in the same manner that the return of no property authorizes an attachment in chancery on judgments in the circuit courts.

§ 80. That all persons committed by the Lexington city court, for default of surety for good behavior or to keep the peace, and all others whom the city of Lexington is bound to maintain when committed to the jail of Fayette county, shall be confined in the city work-house, and they may be compelled to labor as many days in each week, at fifty cents per day, as may be necessary to defray the reasonable cost of their board, to be from time to time determined by the mayor and board of councilmen.

§ 81. The judge of the city court shall have power and authority to examine witnesses under dedimuses from any court within this or any of the United States or foreign country, and shall be entitled to receive a fee of one dollar for each witness examined; he shall also have power and authority to take depositions in said city in all other cases where justices of the peace are now authorized to take the same: *Provided*, That said judge, for the performance of such duties, and the exercise of such powers as come within the jurisdiction of justices of the peace for the county of Fayette, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to justices of the peace, except the salary herein provided for; and he shall have the right to issue fee bills, and collect them in like manner as justices of the peace now have.

§ 82. That all recognizances taken by the judge of the city court, when the day is given for the appearance of the party, except in cases in which he has jurisdiction to try the matter, shall be for appearance in the Fayette circuit court; and all recognizances, except those above excepted, shall be returned to the clerk of the said court, under the hand of the said judge, and shall be docketed as recognizances taken and returned by magistrates. The said judge, on the examination of criminal offenders, shall make out a statement of the evidence, and shall recognize the witness, and shall return the statement of the evidence and recognizance to the clerk of the Fayette circuit court.

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§ 83. That no judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the judge of the city court shall be of opinion that a judgment for full costs should be rendered against the offender, and shall so certify on the record.

§ 84. That whenever the fees of the marshal and clerk are discharged by confinement in the work-house, they shall be paid out of the city treasury.

§ 85. That the city of Lexington shall be allowed, out of fines collected on prosecutions, in the name of the Commonwealth, in the city court, where the same exceeds five hundred dollars, heretofore given to the city, to pay to the clerk of the city court, as compensation for his services in criminal cases, forty dollars.

§ 86. The attorney of the city of Lexington shall be entitled to the like fees, for like services, as are allowed by law to the prosecuting attorneys in the circuit courts of this Commonwealth.

§ 87. The judge of the Lexington city court shall have concurrent original jurisdiction with justices of the peace in all civil cases in said city, where, by the laws of this State, justices of the peace are, or shall be authorized to hear and determine, or in manner have power to act; and all persons aggrieved by his decisions in such cases, shall have the right of appeal to the Fayette circuit court, on the same terms and conditions, and subject to the same restrictions and limitations, as he or she might or could have had if such judgment had been rendered by a justice of the peace in Fayette county. All process in civil cases shall be directed to the marshal of said city, and executed by himself or deputy; and he shall be entitled to receive the same fees, for the like services, which constables are entitled to receive, and have the same power and authority within said city; and for such civil services the said judge shall be allowed to receive like fees with justices of the peace, and collectable in like manner.

§ 88. This act to take effect from its passage.

Approved February 16, 1867.

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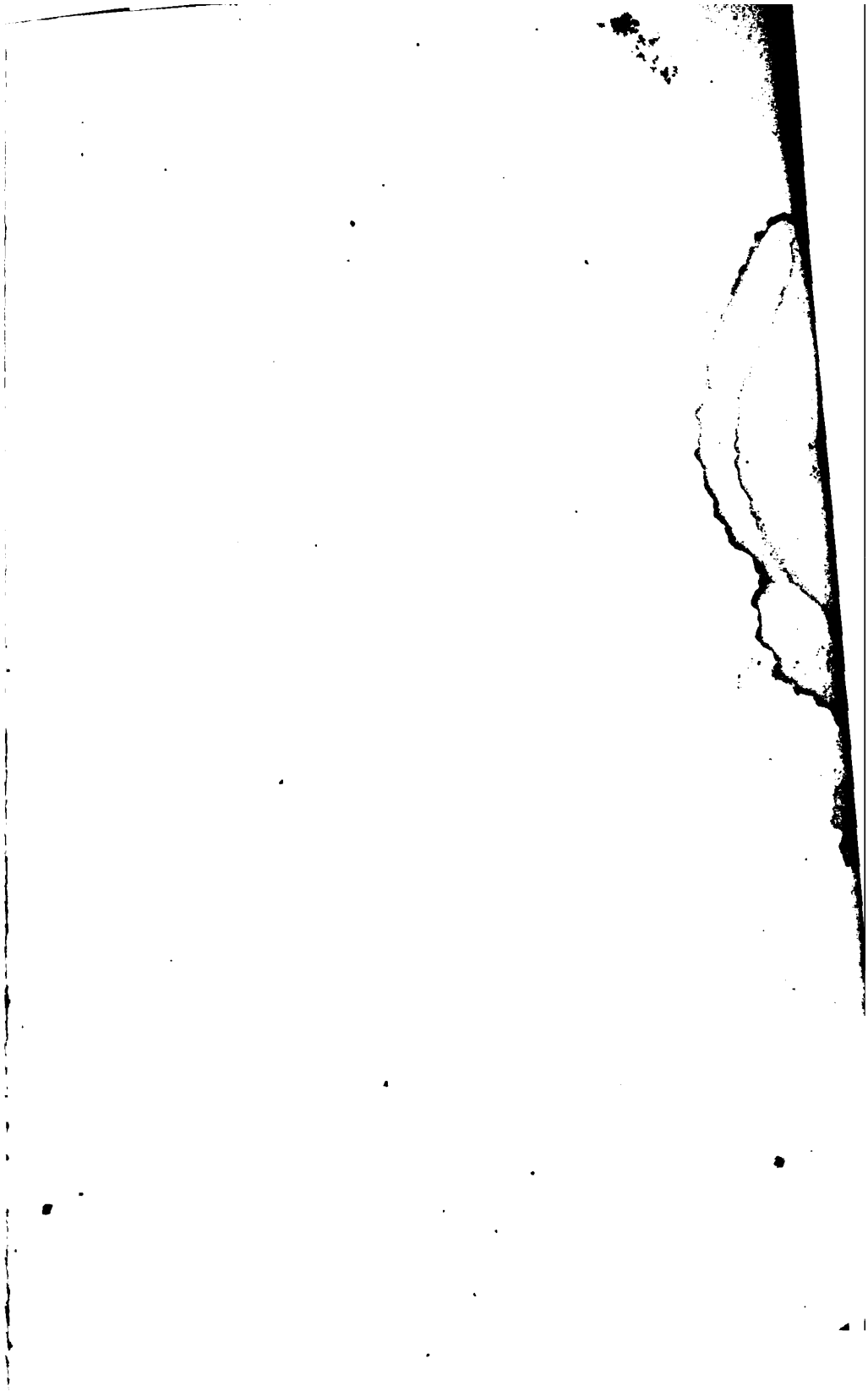
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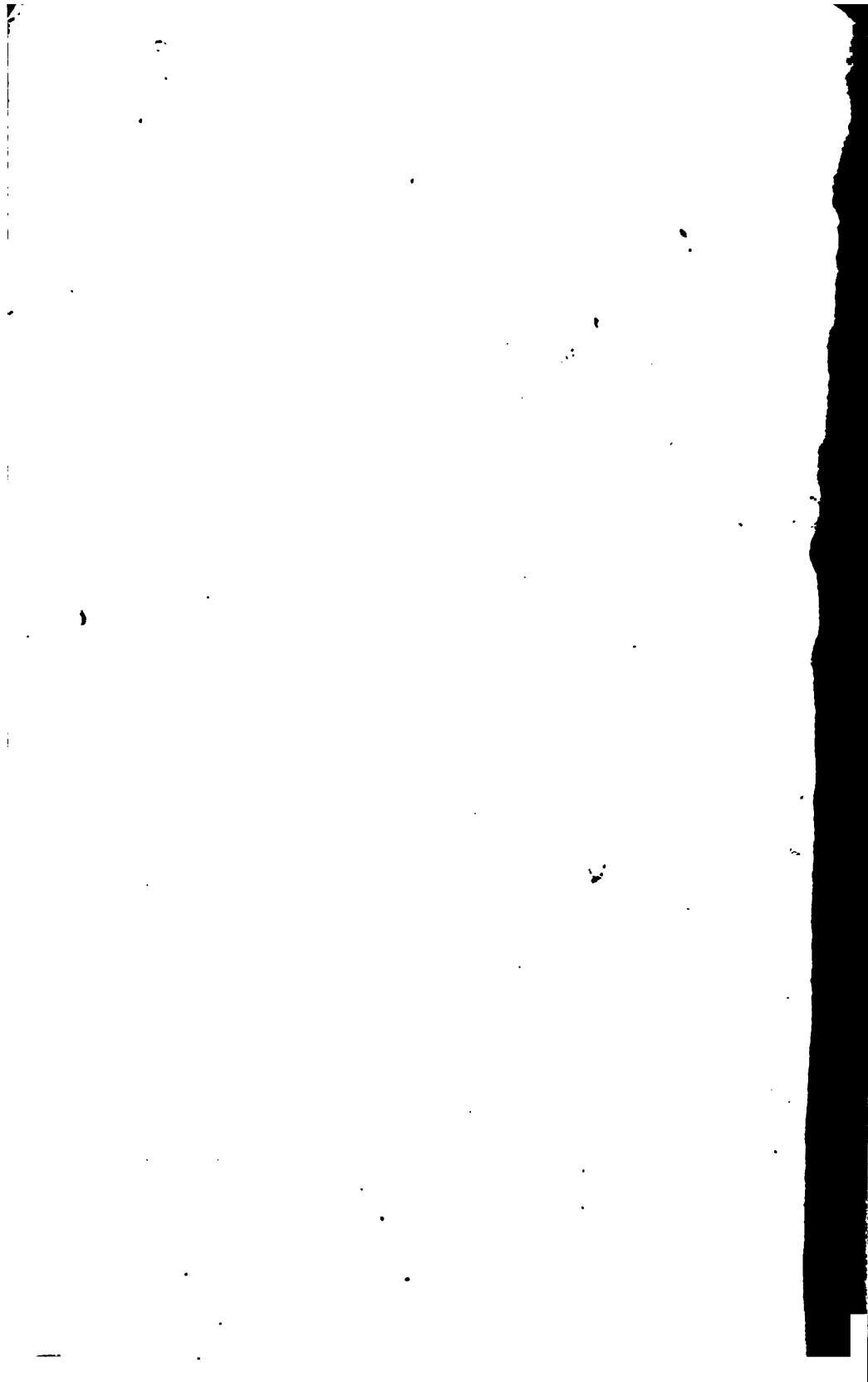
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